



ORDINANCE NO. 6648

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,  
JORDAN, SHEALY & TIBBS

AN ORDINANCE (CAR07-00047/BRIGHTON CORPORATION FOR ± 246.87 ACRES LOCATED AT 3107 E. WARMS SPRINGS AVENUE, 4941 E. MILL STATION DRIVE, 5225 E. MILL DRIVE, AND 6400 E. WARM SPRINGS AVENUE); CREATING TITLE 11, CHAPTER 24, ENACTING A SPECIFIC PLAN DISTRICT ZONE AS SP-02 (BARBER VALLEY SPECIFIC PLAN DISTRICT); ANNEXING 40.5 ACRES AT 6400 E. WARM SPRINGS AVENUE, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE; DESIGNATING 66.7 ACRES AS THE PROPOSED MARIANNE WILLIAMS PARK; AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY DESCRIBED HEREIN FROM A-1/DA, C-1D/DA, R1C-DA, R-2D-DA, R-3D/DA, THE BOISE CITY PARK FROM C-3D/DA, ROD/DA, LANDS PREVIOUSLY LOCATED IN ADA COUNTY FROM RP TO THE LAND USE CLASSIFICATION TO SP-02 (BARBER VALLEY SPECIFIC PLAN DISTRICT); EXECUTING A PARTIAL RELEASE OF DEVELOPMENT AGREEMENT TO EXCLUDE ALL LANDS SUBJECT TO SP-02; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; AND APPROVING A SUMMARY OF THE ORDINANCE.

**WHEREAS**, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the City; and

**WHEREAS**, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

**WHEREAS**, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on November 19, 2007, and recommended to the Mayor and

Council that annexation be approved and said lands be zoned SP-02 (Barber Valley Specific Plan District); and,

**WHEREAS**, the Boise City Council, pursuant to public notice as required by Idaho Code, Section 67-6525, held a public hearing on December 11, 2007, on the proposed zoning for the property; and,

**WHEREAS**, the Boise City Council has previously approved a comprehensive plan amendment allowing for the creation of a specific plan for the area referenced below; and,

**WHEREAS**, much of the subject land is included in a Harris Ranch development agreement and the development agreement is no longer needed for the land that is subject to SP-02 (Barber Valley Specific Plan District).

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:**

**Section 1.** That Title 11, Chapter 24 is hereby enacted to read as follows:

## **CHAPTER 11-24**

### **BARBER VALLEY SPECIFIC PLAN ZONING ORDINANCE**

#### **11-24-01                    APPLICABILITY OF ORDINANCE**

This Barber Valley Specific Plan Zoning Ordinance applies to all property designated on the Barber Valley Specific Plan Zoning Map (attached as Exhibit A) and the Barber Valley Specific Plan Land Use Sub-Districts Map (attached as Exhibit B) in lieu of the Zoning Classifications chapter of the Boise City Zoning Ordinance (currently Chapter 11-4), except where noted herein. All remaining chapters of the Boise City Zoning Ordinance still apply, except where noted herein. If any provision of this Ordinance conflicts with any provision of the Boise City Zoning Ordinance, this Ordinance shall control.

#### **11-24-02                    INTERPRETATION OF DISTRICTS** **11-24-02.01                Sub-Districts Established**

1. Low-density Residential (SP02-LR)
2. Medium-density Residential (SP02-MR)
3. High-density Residential (SP02-HR)
4. Mixed Use: Office and Medium-density Residential (SP02-OMR)

5. Mixed Use: Office and Commercial (SP02-OC)
6. City Park (SP02-P)

#### **11-24-02.02 District Boundaries**

The location and boundaries of the Barber Valley Specific Plan (SP02) District are shown on the Barber Valley Specific Plan Zoning Map (attached as Exhibit A). The location and boundaries of the Barber Valley Specific Plan Sub-Districts established herein are shown on the Barber Valley Specific Plan Land Use Sub-Districts Map (attached as Exhibit B). Where any uncertainty exists as to the boundary of any such district, the following rules shall apply:

1. Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the centerline thereof.
2. Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
3. Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Barber Valley Zoning Map.

#### **11-24-03 CONFORMITY REQUIRED**

##### **11-24-03.01 General**

Except as otherwise provided herein, all land, buildings and premises in any district established herein shall be used only in accordance with the regulations established herein for that district. Additionally, no property shall be allowed to maintain an attractive or public nuisance as defined by the Boise City Zoning Ordinance and/or state code at any time.

##### **11-24-03.02 Purpose of SP02-LR Sub-District**

The purpose of the SP02-LR Sub-District is to provide for the development of diverse urban housing products at a net density of approximately 2 to 6 units per acre. This area may include a variety of lot sizes, with lots as small as 3500 square feet allowed, but overall gross density cannot exceed six (6) units per acre. Attached units are allowed within the overall density limitations. Accessory dwelling units and uses are also allowed, along with community uses such as parks, community centers and recreational facilities.

##### **11-24-03.03 Purpose of SP02-MR Sub-District**

The purpose of the SP02-MR Sub-District is to (a) accommodate medium density residential uses at a net density of approximately 6 to 18 units per acre; (b) provide an orderly transition from more intensive, higher density uses to less intensive, lower density uses; and (c) allow limited cottages and quasi-residential uses, including senior housing and care facilities. The SP02-MR Sub-District includes significant flexibility in lot sizes and restrictions, and anticipates residential uses ranging from row houses and townhouses to condominiums and multi-story apartments. A range of civic and recreational facilities is allowed, along with office, medical and personal service commercial uses that are ancillary to senior housing and care facilities.

##### **11-24-03.04 Purpose of SP02-HR Sub-District**

The purpose of the SP02-HR Sub-District is to (a) accommodate higher density residential uses at a net density of approximately 18 to 40 units per acre; and (b) encourage residential uses that are convenient to shopping, recreation, cultural and other concentrated community facilities. The range of uses is similar to the SP02-MR Sub-District, with the addition of hotels, restaurants, cafés, coffee shops and theaters as allowed uses.

**11-24-03.05 Purpose of SP02-OMR Sub-District**

The purpose of the SP02-OMR Sub-District is to accommodate medium density residential uses, business and professional office uses, and complementary commercial uses such as hotels, restaurants and theaters, together with necessary off-street parking facilities. The SP02-OMR Sub-District will emphasize high quality design, pedestrian orientation, and flexible development standards.

**11-24-03.06 Purpose of SP02-OC Sub-District**

The purpose of the SP02-OC Sub-District is to provide a significant commercial and office component in Barber Station, together with necessary off-street parking facilities. The SP02-OC Sub-District will emphasize high quality design, pedestrian orientation, and flexible development standards. Large office buildings are allowed in this area, along with retail, shopping, service, lodging, and civic uses.

**11-24-03.07 Purpose of SP02-P Sub-District**

The purpose of the SP02-P Sub-District is to accommodate City park uses, including indoor and outdoor recreational facilities and any necessary parking. The SP02-P Sub-District may also include dedicated open spaces, protected environmental sites such as wetlands and riparian areas, and hazardous areas such as floodways and steep slopes.

**11-24-03.08 Design Review**

- A. Creation of BVD Design Review Overlay District. This ordinance creates an overlay district within portions of Barber Valley called the Barber Valley Design District ("BVD District"). The BVD District overlays the SP02-MR, SP02-HR, SP02-OMR and SP02-OC Sub-Districts.
- B. Applicability. Any visible exterior improvements to a site, building or structure (including new facilities, remodeling, rehabilitation projects and expansion projects) within the BVD District shall require submittal of a Design Review application and fee in accordance with Chapter 11-07 of the Boise City Code, except where expressly modified herein.
- C. BVDR Board Review. Development applications within the BVD District must be submitted to the Barber Valley Design Review Board ("BVDR Board") prior to submission to the City for design review approval. The BVDR Board shall forward their decisions on to the City for their consideration for all projects.
- D. Application Content. Any BVD District application to the City shall be accompanied by the information required by Chapter 11-07 of the Boise City Code and by the findings, conclusions and any conditions of approval issued by the BVDR Board.
- E. Level of Review. The Planning Director shall determine whether an application shall be processed at the administrative level or Design Review Committee ("Committee") level; provided, however, (i) all applications for projects that have less than 5,000 square feet of gross building area and less than 20,000 square feet of site improvements shall be administratively reviewed by the Planning Director and (ii) all applications for a Continuing Care Retirement Community shall be reviewed at the Committee level..

- F. Procedures. With due consideration to the decision of the BVDR Board, the Planning Director or Committee, as appropriate, shall review the application to determine whether the proposed application complies with the design review objectives, considerations and guidelines set forth in Chapter 11-07 and the design criteria for the BVD District as set forth in the Barber Valley Specific Plan. Upon making such determination, the Planning Director or Committee shall issue its findings of fact, conclusions of law and conditions of approval. Any action of the Planning Director or the Committee may be appealed pursuant to the appeal provisions of the Boise City Code.

#### 11-24-03.09 Allowed Uses

Table 11-24-03.09 sets forth the allowed uses in each Sub-District established herein. Allowed uses are designated with a "•". Uses listed but not designated as allowed in Table 11-24-03.09 are prohibited. Uses not listed in Table 11-24-03.09 are allowed only upon a determination by the Planning Director that such uses are similar or compatible in nature to the allowed uses in Table 11-24-03.09. Any affected person may appeal such a determination of the Planning Director to the Planning and Zoning Commission within ten (10) calendar days following the date the decision is mailed in accordance with Chapters 11-3 and 11-6 of the Boise City Zoning Ordinance.

TABLE 11-24-03.09

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
<b>a. RESIDENTIAL</b>						
Apartment or Multiple Family Dwelling*		•	•	•		
Row House (Townhouse)	•	•	•	•		
Duplex House	•	•	•	•		
Single Family Residence or Cottage	•	•	•	•		
Condominiums	•	•	•	•		
Home Occupation						
Continuing Care Retirement Community*		•	•	•		
Assisted Living Apartment*		•	•	•		
Skilled Nursing Care Facility*		•	•	•		
Memory Care Facility*		•	•	•		
Accessory Dwelling Unit	•	•				
Accessory Use	•	•	•	•		
Common Areas to Support Allowed Uses	•	•	•	•	•	
<b>b. LODGING</b>						
Hotel (no room limit)			•	•	•	
Hotel (up to 12 rooms)			•	•	•	
Inn (up to 5 rooms)	•		•	•	•	
Motel						
<b>c. OFFICE/RETAIL</b>						
Office – Business, Professional, Medical			•	•	•	
Retail Store (convenience, clothing, video)					•	

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
rental, sundries, pharmacy etc.)						
Personal Service Store (dry cleaning, Laundromat, barber shop, etc.)			•	•	•	
Service Station					•	
Automobile Service					•	
Lot, Automobile Sales						
Drive-Up Window					•	
Billboard						
Shopping Center, Convenience Commercial, Neighborhood Commercial or Community Commercial					•	
Shopping Center, Regional Commercial						
Car Wash					•	
Grocery (up to 60,000 square feet)					•	
Bank					•	
Building Materials Supply					•	
Wholesale Business					•	
Restaurant, Café, Coffee Shop			•	•	•	
Tavern					•	
Liquor Store					•	
Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Bikini Bar						
Temporary Sales Offices	•	•	•	•	•	
Model Homes or Units	•	•	•	•	•	
Health Club Facility			•	•	•	
Spa/Resort				•	•	
Nursery (retail or greenhouse)*		•	•	•	•	
<b>d. CIVIC (PUBLIC AND PRIVATE)</b>						
Bus Shelter	•	•	•	•	•	
Fountain or Public Art	•	•	•	•	•	•
Library	•	•	•	•	•	
Theater				•	•	
Outdoor Auditorium			•		•	•
Park	•	•	•	•	•	•
Playground	•	•	•	•	•	•
Parking Lot		•	•	•	•	•
Parking Structure		•	•	•	•	
Conference Center				•	•	
Community Center	•	•	•	•	•	
Religious Institution	•	•	•	•		
Clubs, Lodges, Social Halls	•	•	•	•	•	

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
Private Open Space	•	•	•	•	•	
Recreation Center				•	•	•
Outdoor Recreation Facility	•	•	•	•	•	•
Swimming Pool	•	•	•	•	•	•
Golf Course						
Golf Driving Range						
<b>e. CIVIL SUPPORT</b>						
Fire Station	•	•	•	•	•	
Police Station		•	•	•	•	
Cemetery						
Funeral Home				•	•	
Hospital				•	•	
Medical Clinic (accessory use only in MR and HR)*		•	•	•	•	
Rehabilitation Clinic				•	•	
Hospital, Large Animal or Small Animal				•	•	
<b>f. EDUCATION</b>						
School (public, private or parochial)	•	•	•	•	•	
School, Trade or Vocational			•	•	•	
Family Child Care Home (1-6 children)	•	•	•	•	•	
Group Child Care (7-12 children)		•	•	•	•	
Intermediate or Large Child Care Center (13+ children)			•	•	•	
<b>g. INDUSTRIAL</b>						
Heavy Industrial Facility						
Light Industrial Facility						
Agriculture						
Livestock						
Laboratory				•	•	
Public Utility Facility – Minor		•	•	•	•	
Public Utility Facility – Major						
Wireless Communication Facility, Micro-Cell or Visually Unobtrusive/Attached		•	•	•	•	
Other Wireless Communication Facility						
Mini-Storage						
Warehouse						
Manufacturing Facility						
Power Production Facility						
Broadcasting Facility (e.g. TV, radio), Micro-Cell or Visually Unobtrusive/Attached				•	•	

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
Other Broadcasting Facility (e.g. TV, radio)						

\* This use is not allowed in the 8-acre parcel in the SP02 MR Sub-District.

#### 11-24-03.10 Lot and Structure Dimensions

Table 11-24-03.10 sets forth the lot, yard, density and structure height requirements for uses within each Sub-District established herein.

TABLE 11-24-03.10

	SP02-LR		SP-02 MR <sup>1</sup>		SP02-HR	SP02-OMR	SP02-OC	SP02-P
<b>a. MAXIMUM DWELLING UNITS PER ACRE</b>	6		18 <sup>2</sup>		40	18	0	--
	Attached	Detached	Attached	Detached				
<b>b. MIN. LOT AREA (square ft)</b>								
Interior Lot	3500	4000	2000	2500	0	0	0	--
Corner Lot	4000	4500	2500	3000	0	0	0	--
<b>c. MIN. AVG. LOT WIDTH (lineal ft)</b>								
Interior Lot	35	40	20	25	0	0	0	--
Corner Lot	40	45	25	30	0	0	0	--
<b>d. MIN. STREET FRONTAGE (flag lot)</b>	10/20*	10/20*	0	0	0	0	0	--
<b>e. MIN. BUILDING SETBACKS (lineal ft)</b>								
Front Yard & Side Yard Abutting Public St.**	10***	10***	5***	5***	0	0	0	--
Abutting public park	5	5	5	5	5	5	5	--
Rear Yard	15****	15****	5	5	0	0	0	--
Side Yard – Interior	0	5	0	4	0	0	0	--

<sup>1</sup> The following standards shall apply to the 8-acre parcel in the SP02 MR Sub-District only: (i) the maximum density shall be 12 units per acre; (ii) on perimeter lots adjacent to existing residential alleys, structures shall be no more than two (2) stories and rear yard setbacks shall be six (6) feet; (iii) alley access shall accommodate twenty-two (22) feet of backup space; and (iv) the maximum building height shall be thirty-five (35) feet.

<sup>2</sup> Skilled nursing and memory care facility beds are each counted as 1/3 of a dwelling unit.



	SP02-LR	SP-02 MR <sup>1</sup>	SP02-HR	SP02-OMR	SP02-OC	SP02-P
<b>f. MIN. PARKING LOT/SERVICE DR SETBACKS</b> (lineal ft)						
Front Yard & Side Yard – Adj. to St.	--	7	7	7	7	--
Rear Yard & Side Yard – Interior	--	5	5	5	5	--
<b>g. MAX. FLOOR AREA RATIO</b>	--	--	--	--	--	--
<b>h. MIN. LOT AREA PER UNIT</b> (square ft)	--	--	--	--	1000	--
<b>i. MAX. BUILDING HEIGHT</b> (ft)	35	45	55	55	55	35

\* 10' allowed with shared access easement agreement.

\*\* Measured from back of sidewalk.

\*\*\* 20' setback required for garages accessed from public streets.

\*\*\*\* 5' setback allowed on corner lots with garages accessed from the side yard street (see Exhibit C); 30' setback required on lots abutting the existing Riverland Terrace Subdivision.

#### 11-24-03.11 Property Development Standards

Except as follows, the Property Development Standards for the Sub-Districts established herein shall be the same as those set forth in the Boise City Zoning Ordinance at Section 11-04-04.01 through Section 11-04-04.03 for residential uses and Section 11-17-07 for office and commercial uses:

1. For attached single-family units, the minimum frontage requirement in Section 11-04-04.03 is reduced to 18 feet.
2. For lots with 0' frontage on a public right-of-way, drive aisles will provide access to the public street with perpetual ingress/egress or cross access easements recorded against the property. An owner's association or other agreed upon arrangement among the affected property owners will maintain the drive aisles in accordance with a recorded declaration. The easements and declaration must be reviewed by the Boise City Attorney's office at the time of preliminary plat approval to ensure the access and maintenance obligations of this paragraph are addressed. The Ada County Highway District must approve installation of any required street signs. Buildings will be addressed to the public street from which the drive aisles extend. Addresses will be clearly delineated with appropriate monuments or signs.
3. Off-street parking and loading facilities shall be provided in accordance with Section 11-24-04 of this Ordinance.
4. The maximum number of residential units allowed within the Barber Valley Specific Plan District is 1025. The maximum combined office and commercial square footage allowed within the Barber Valley Specific Plan District is 541,500. To exceed either of these limits, the Barber Valley

Specific Plan Applicant must follow the rezone procedures of the Boise City Code to amend the Barber Valley Zoning Ordinance. In so doing, the Applicant need not amend the entire Barber Valley Specific Plan so long as the City finds that the revised limits are generally in accordance with the Barber Valley Specific Plan.

5. Civic uses are limited to no more than twenty percent (20%) of the developed area in the SP02-LR Sub-District.
6. A private management company must be responsible for maintenance of sprinkler systems within mixed use buildings.

#### **11-24-04 OFF-STREET PARKING AND LOADING REQUIREMENTS**

In the SP02-LR, SP02-MR and SP02-HR Sub-Districts, off-street parking and loading facilities shall be provided in accordance with the Off-Street Parking and Loading requirements in the Boise City Zoning Ordinance (currently Chapter 11-10), except as noted herein. In the SP02-OMR and SP02-OC Sub-Districts, off-street parking and loading facilities shall be provided in accordance with the Pedestrian Commercial Zoning District parking requirements in the Boise City Zoning Ordinance (currently in Chapter 11-17-09), except as noted herein. In lieu of the off-street parking ratio requirements in the Boise City Zoning Ordinance (currently in Section 11-10-06, Table 12 and in Section 11-17-09), non-residential uses in the SP02-MR, SP02-HR, SP02-OMR and SP02-OC Sub-Districts must meet an overall parking density of 3.5 per 1000 square feet. Assisted living apartments, independent living residences within the Continuing Care Retirement Community, and similar uses shall be subject to the off-street parking requirements for "Housing for Elderly" uses listed in the Boise City Zoning Ordinance (currently in Section 11-10-06). Memory care facilities, skilled nursing care facilities, and similar uses shall be subject to the off-street parking requirements for "Nursing Home" uses listed in the Boise City Zoning Ordinance (currently in Section 11-10-06).

#### **11-24-05 ADMINISTRATIVE PROVISIONS**

1. Plat Approval Criteria. Development within the Barber Valley Specific Plan District shall be subject to the subdivision and other related provisions of the Boise City Code. Additionally, the City Council must find that each preliminary plat proposed and/or amended within the Barber Valley Specific Plan District substantially conforms to the adopted Barber Valley Specific Plan and complies with all applicable provisions of the Barber Valley Specific Plan Zoning Ordinance. Plats must still proceed through the normal hearing process with review by the Planning and Zoning Commission and City Council.
2. Annexation into SP02 District. Any property owner or authorized representative may seek to reclassify their property for inclusion within the Barber Valley Specific Plan District pursuant to Chapter 11, Title 22 of the Boise City Code.
3. Amendments. Any property owner within the Barber Valley Specific Plan District may seek to amend the Barber Valley Specific Plan Zoning Ordinance or the Barber Valley Specific Plan pursuant to the Boise City Code provisions for zoning amendments.
4. Exceptions.
  - a. The Planning Director may grant exceptions to any setback, frontage, parking or height restriction up to twenty percent (20%) of the applicable limit and may grant exceptions to any use restrictions on a case by case basis.
  - b. The Planning and Zoning Commission may grant exceptions to any setback, frontage, parking or height restriction greater than twenty percent (20%) of the applicable limit.
  - c. Any approval pursuant to this section shall be supported by each of the following findings:
    - i. The exception is consistent with the Barber Valley Specific Plan; and

- ii. The exception is justified based on unique circumstances of the proposed use or exceptional design features or the shape of the land.
  - iii. The exception would not cause undue adverse impacts on any other property.
  - iv. For any approval pursuant to subparagraph b, the exception meets the general conditional use criteria in the Boise City Zoning Ordinance.
  - d. Applications pursuant to this section shall include such information as the Planning Director determines is necessary to make the applicable findings in subparagraph c.
  - e. The decision on any requested exception may be appealed pursuant to the appeal provisions of the Boise City Code.
5. Periodic Review. The Planning Director may perform a review of the implementation of the Barber Valley Specific Plan not more frequently than every one (1) year after approval of first final plat. The review may address any matters the Planning Director deems appropriate regarding the progress of the development, including but not limited to (a) the Transportation Management Association; (b) the Barber Valley Wildlife Mitigation Plan; and (c) traffic impacts until 2016. Any modification of the Barber Valley Specific Plan Zoning Ordinance may only occur after review by the Barber Valley Specific Plan Applicant and the Planning Director and in compliance with the applicable Boise City Code sections for zoning amendments and Idaho Code Section 67-6511(d).

#### **11-24-06                      DEFINITIONS**

The following definitions, as well as definitions in Boise City Zoning Ordinance, apply to this Ordinance. If any conflict exists, the following definitions control.

Assisted Living Apartment. A residential apartment or apartment complex that provides personal care services to senior citizens for daily living needs. Assisted living services are a coordinated array of supportive personal and health services available 24 hours a day to residents who have been assessed to need these services, including residents who require long term care. Assisted living services promote resident self direction and participation in decisions that emphasize independence, individuality, privacy and dignity in a home-like surrounding.

Barber Valley Specific Plan Zoning Ordinance. Section 11-24 of the Boise City Code or successor section specifically setting forth zoning regulations for the Barber Valley Specific Plan District.

Barber Valley Specific Plan. The Specific Plan adopted for the Barber Valley Specific Plan District by the City of Boise on \_\_\_\_\_, as maintained in the official records of the City, including subsequent modifications.

Barber Valley Specific Plan Applicant. Brighton Corporation or successor entities.

Barber Valley Specific Plan District. The area designated as the SP02 zone or successor designation on the City of Boise's zoning map and as shown on the Barber Valley Specific Plan Zoning Map (attached as Exhibit A).

Boise City Zoning Ordinance. The zoning regulations contained in Title 11 of the Boise City Code, or successor regulations.

Continuing Care Retirement Community. A campus-style facility (multiple buildings on a single lot) that provides housing, personal services and health care, including nursing home care to people of retirement age. The community must provide a continuum of care to meet the needs of the individual residents, from independent living to assisted living to skilled nursing care and, possibly, memory care support. Meals, housekeeping, linens, 24-hour security and recreational services usually are provided. Each individual resident enters into a contract with the retirement community that defines the type of housing and services

to be provided and the fees that will be charged.

Memory Care Facility. Same as Skilled Nursing Facility except the residents also receive care for some form of memory impairment.

Skilled Nursing Facility. A residential facility that provides 24-hour supervision by licensed nurses. The care usually is prescribed by a physician. Emphasis is on medical care, supplemented by physical, occupational, speech and other types of therapies. Personal care services, such as help with meals, bathing, dressing and grooming are also provided along with social services, religious services and recreational activities. A nursing facility offers care for individuals suffering from chronic diseases or conditions that do not require the constant attention of physicians. Services are provided that address the individuals' personal care and social-emotional needs.

# Exhibit A

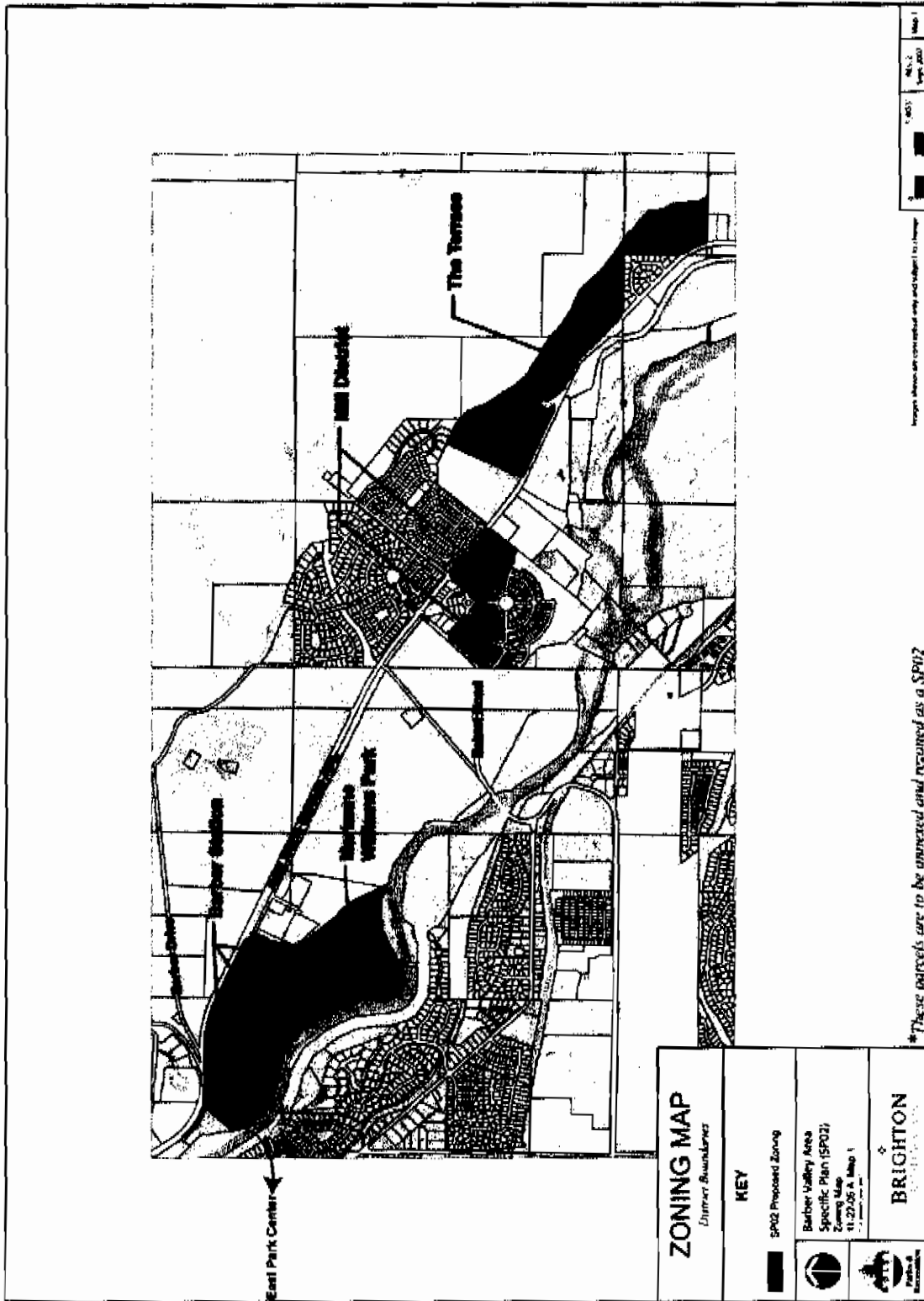


Exhibit B

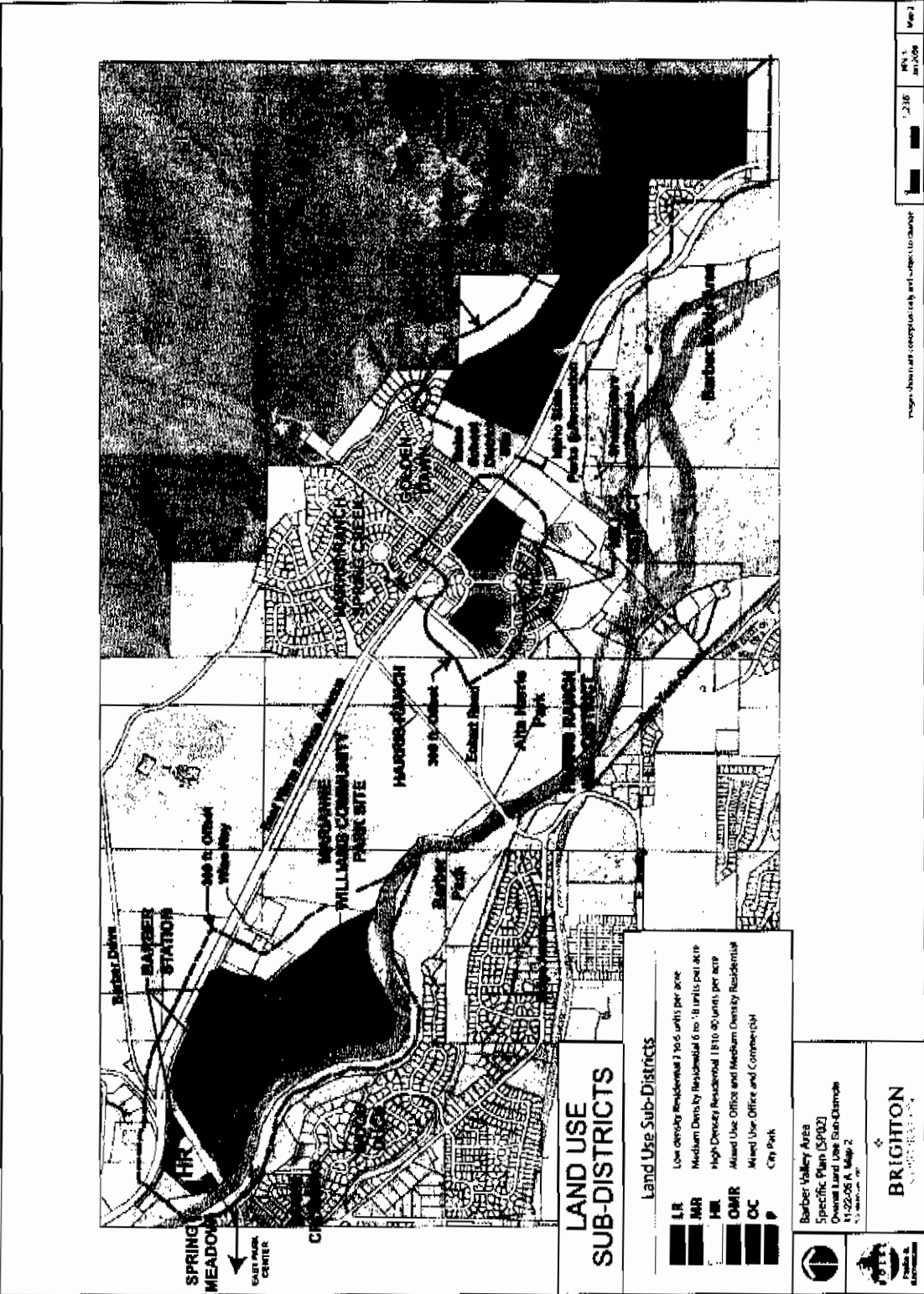
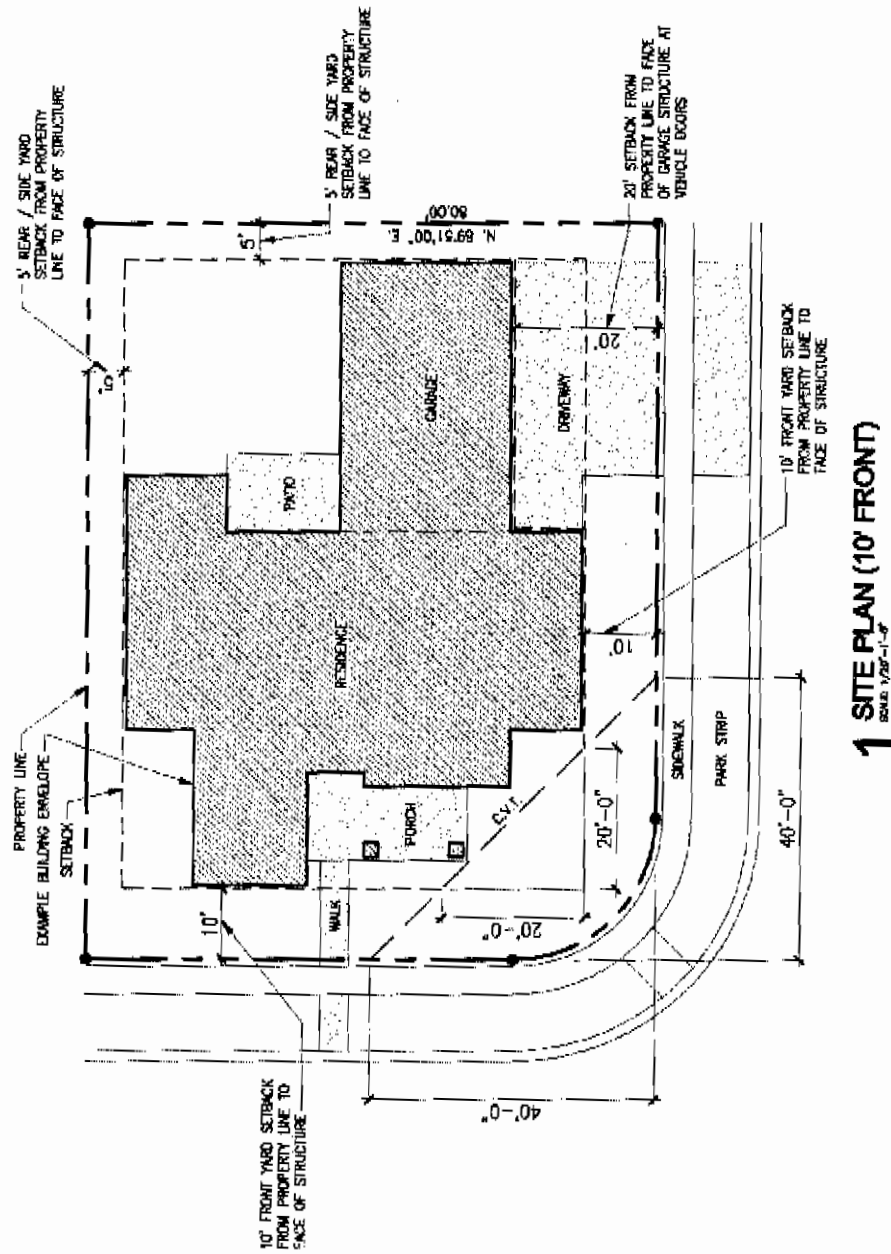


Exhibit C



**Section 2.** The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise, Idaho, particularly described in Exhibits 1 and 2 which is annexed hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

**Section 3.** From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 2 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

**Section 4.** The City Engineer of Boise is hereby directed to lodge and file with the City Clerk of Boise within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 2 hereof.

**Section 5.** Pursuant to the procedures and requirements of Title 67, Chapter 65, Idaho Code, the Boise City Comprehensive Plan, and pursuant to the reasoned statement of the City Council that existing zoning classifications for the property hereinafter described be, as a result of changed circumstances, amended and reclassified to promote the public health, safety and welfare, the land use zoning classification of the 40.5 acres at 6400 E, Warm Springs Avenue, in Ada County, Idaho, are hereby changed from RP (Ada County Rural Preservation Zone) to Barber Valley Specific Plan District, SP-02, rezoning approximately  $\pm$  246.87 acres generally located at 3107 E. Warm Springs



Avenue, 4941 E. Mill Station Drive 6400 E. Warm Springs Avenue from C-3D/DA (Service Commercial w/Development Agreement), R-1C/DA (Single Family Residential w/Development Agreement), L-OD/DA (Limited Office w/Development Agreement), R-OD/DA (Residential Office w/Development Agreement) to Barber Valley Specific Plan District, SP-02, and 66.7 acres designated as the proposed Marianne Williams Park, rezoned from C-3D/DA (Service Commercial w/Development Agreement), ROD/DA (Residential Office w/Development Agreement) to Barber Valley Specific Plan District, SP-02. See attached Exhibits 1, 2, 3, and 4.

## **Section 6. REASONED STATEMENT**

The reasoned statement for this specific plan, annexation and re-zone is that Barber Valley Specific Plan replaces previous approvals associated with the Harris Ranch development agreement and conditional use permit and subsequent modifications on the land described herein. The specific plan further incorporates all conditions of approval and is consistent with the Comprehensive Plan as modified. The Barber Valley Specific Plan District SP-02 meets the standards set forth in Boise City Zoning Code Section 11-22 and is comprised of many elements that set standards for development within the area known as the Barber Valley Master Plan. The specific plan includes its own Design Review Standards, which will give SP-02 its own architectural character. The plan also includes a unique zoning ordinance that sets standards for a more restricted set of land uses as well as unique setbacks that allow for innovative development standards. Included with this approval is a Comprehensive Plan Map Amendment for the portion of the development known as the Terrace. This proposal meets the standards for a Comprehensive Plan Map Amendment as set forth in the Boise City Zoning Ordinance Code Section 11-06-01 Amendment; Reclassification. The amendment will change the area to Planned Community, a land use designation that will enable the specific plan. The same area requires annexation into the City of Boise. This portion of the Terrace meets all of the required findings for Annexation as set forth in the Boise City Zoning Ordinance Code Section 11-06-03.03.

The proposed annexation will not create leap frog development and the proximity to mixed use components of the Harris Ranch Master Plan will eliminate many of the negative tendencies associate with urban sprawl. Residents of The Terrace will not have to travel an excessive distance for commercial or retail shopping opportunities. Many businesses will be within walking distance of the project. This request meets requirements of the Idaho Code and the Boise Zoning Ordinance for annexation. The annexation will not negatively impact neighboring properties or public services as Boise City Public Works has stated that sanitary sewer service is planned for this area. Policies of the Comprehensive Plan for sustainable growth and economic development will also be met by this proposal. The zoning designation of SP02-LR is appropriate as well. There is existing residential

development in the general vicinity and elements of the Barber Valley and Harris Ranch Master Plan will provided for residents of this development with retail and commercial businesses.

The applicant is pursuing a Comprehensive Plan amendment to designate this site as "Planned Community" With the successful completion of the amendment the "SP02-LR" Sub-District will conform to the Comprehensive Plan Land Use Map. The LR Sub District will allow devlopment at 2-6 units per acre, which is consistent with existing residential development. The annexation of the site conforms to many Comprehensive Plan policies by promoting proper growth management which will help to minimize sprawl (Goal 8.0). The request for a Specific Plan sub district will be consistent with the land use consistency matrix (Policy 8.1.1) upon completion of the Comprehensive Plan map amendment.

The precedence in this area for residential zoning makes the annexation of this property as SP02-LR appropriate. Existing development in the area is mostly low density residential. The LR sub district is designated as 2-6 DU per acre, consistent with surrounding development. The LR sub district is also appropriate with respect to its proximity to undevelopable hillside and Idaho Fish and Game's Wildlife Management Area. The low density proposed by the applicant will therefore have less of an impact on the surrounding wildlife than a high density development. The Specific Plan is consistent with the goals, objectives and policies of the Comprehensive Plan, with particular emphasis placed upon those polices related to diversity of housing, mixing and integration of uses, pedestrian and transit design, level of service provision and environmental protection. The P (City Park) Sub-District is designed to provide the minimum amount of necessary uses for recreational activities. No residential or commercial development is allowed in this zone. A more restrictive zone for a City Park is beneficial. It will further protect the open space provided by the park due to the fact that no residential or commercial development is allowed in the park.

**Section 7.** The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the land use classification therein described.

**Section 8.** That the Partial Release of Development Agreement as set forth in Exhibit 5 is hereby approved as it amends the existing development agreement to exclude all property subject to SP-02.

**Section 9.** That the summary of this ordinance, attached hereto as Exhibit 6, is approved as to both form and content.

**Section 10.** The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Assessor, County Recorder and County Treasurer of Ada County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the County Assessor and County Recorder of Ada County, Idaho, and the State Tax Commission of Idaho, all as provided by Sections 50-223 and 63-2215, Idaho Code.

**Section 11.** That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 18th day of MARCH, 2008.

APPROVED by the Mayor of the City of Boise City, Idaho, this 18th day of MARCH, 2008.

APPROVED:



MAYOR

ATTEST:

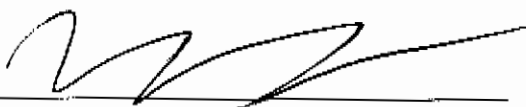
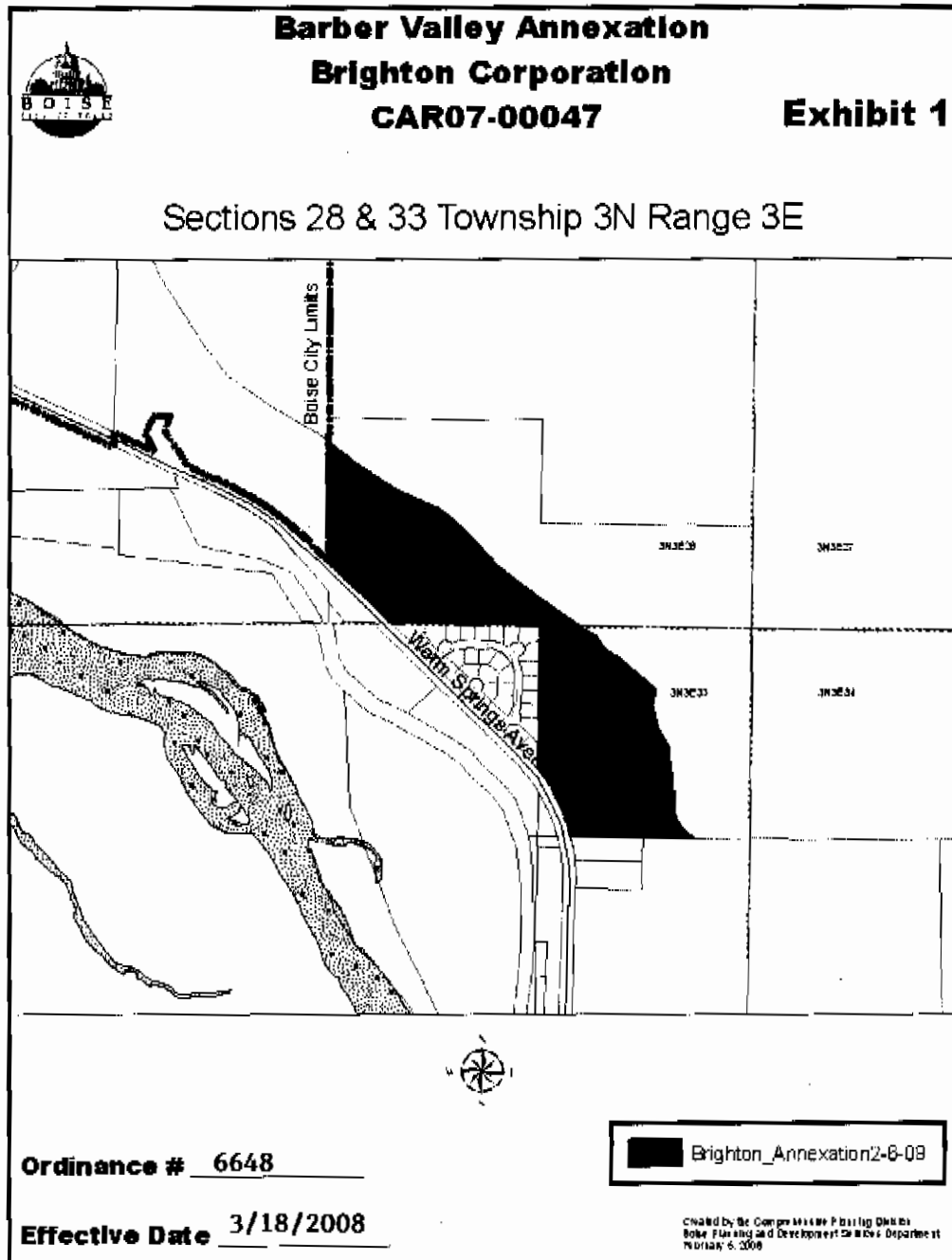
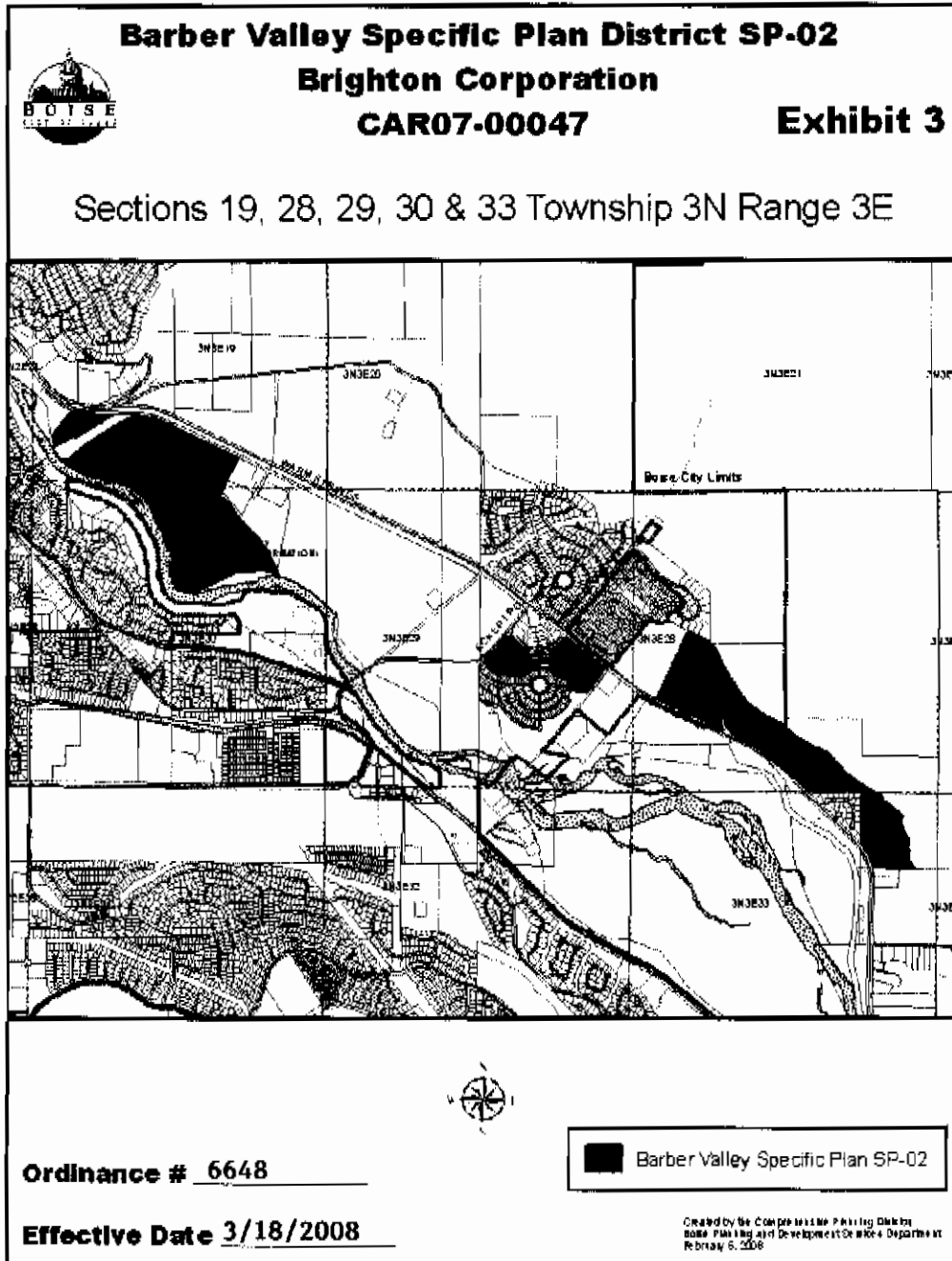
  
CITY CLERK - INTERIM  
Wendy L. Burrows-Johnson

Exhibit 1



**Exhibit 2**  
**Brighton Annexation Legal Description**

Exhibit 3



**Exhibit 4**  
**Barber Valley SP-02 Zone Amendment Legal Description**

**Exhibit 5**  
**Partial Release of Development Agreement**

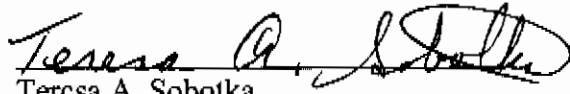


EXHIBIT "6"

**STATEMENT OF BOISE CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 6648**

The undersigned, Teresa A. Sobotka, in her capacity as Assistant City Attorney of the City of Boise City, Idaho, hereby certifies that she is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 6648 of the City of Boise City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this 18th day of March, 2008.

  
Teresa A. Sobotka  
Assistant Boise City Attorney

**SUMMARY OF ORDINANCE NO. 6648  
OF THE CITY OF BOISE CITY, IDAHO**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City of Boise City, Idaho, adopted at its regular meeting of 18th, March, 2008, that Ordinance No. 6648 entitled:

**AN ORDINANCE (CAR07-00047/BRIGHTON CORPORATION FOR ± 246.87 ACRES LOCATED AT 3107 E. WARMS SPRINGS AVENUE, 4941 E. MILL STATION DRIVE, 5225 E. MILL DRIVE, AND 6400 E. WARM SPRINGS AVENUE); AMENDING TITLE 11, CHAPTER 24, ENACTING A SPECIFIC PLAN DISTRICT ZONE AS SP-02 (BARBER VALLEY SPECIFIC PLAN DISTRICT); ANNEXING 40.5 ACRES AT 6400 E. WARM SPRINGS AVENUE, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE; DESIGNATING 66.7 ACRES AS THE PROPOSED MARIANNE WILLIAMS BOISE CITY PARK; AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY DESCRIBED HEREIN FROM A-1/DA, C-1D/DA, R1C-DA, R-2D-DA, R-3D/DA, THE BOISE CITY PARK FROM C-3D/DA, ROD/DA, LANDS PREVIOUSLY LOCATED IN ADA COUNTY FROM RP TO THE LAND USE CLASSIFICATION TO SP-02 (BARBER VALLEY SPECIFIC PLAN DISTRICT);**

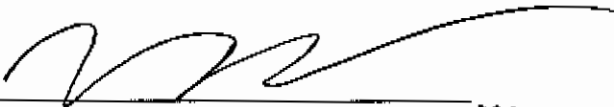
**EXECUTING A PARTIAL RELEASE OF DEVELOPMENT AGREEMENT TO EXCLUDE ALL LANDS SUBJECT TO SP-02; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; AND APPROVING A SUMMARY OF THE ORDINANCE.**

This ordinance enacts a new subsection to Title 11, chapter 24 (11-24), Boise City Code to create a new zoning district, the Barber Valley Specific Plan District (SP-02). The ordinance provides general provisions for the district, as well as provisions for each sub district within the specific plan. The ordinance provides for the administration of the District and for processes for administrative reviews, compliance with City procedures and standards, the City's subdivision process and creates a design review process and standards. The ordinance provides for general and specific use standards within the District including land use requirements. The ordinance incorporates by reference all aspects of the specific plan.

The effective date of the Ordinance is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at Planning and Development Department, 150 North Capitol Boulevard, in Boise, Idaho 83701. Examination may be requested in writing or in person during regular business hours of the Planning and Development, from 8:00 a.m. until 5:00 p.m. pursuant to Section 50-901A(4), Idaho Code.

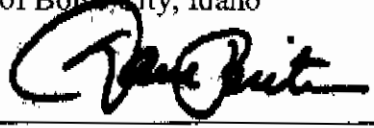
DATED this 18th day of March, 2008.

ATTEST:

  
By: Wendy Burrows-Johnson  
INTERIM CITY CLERK



City of Boise, Idaho

  
By: David Bieter  
MAYOR

Annexation legal description

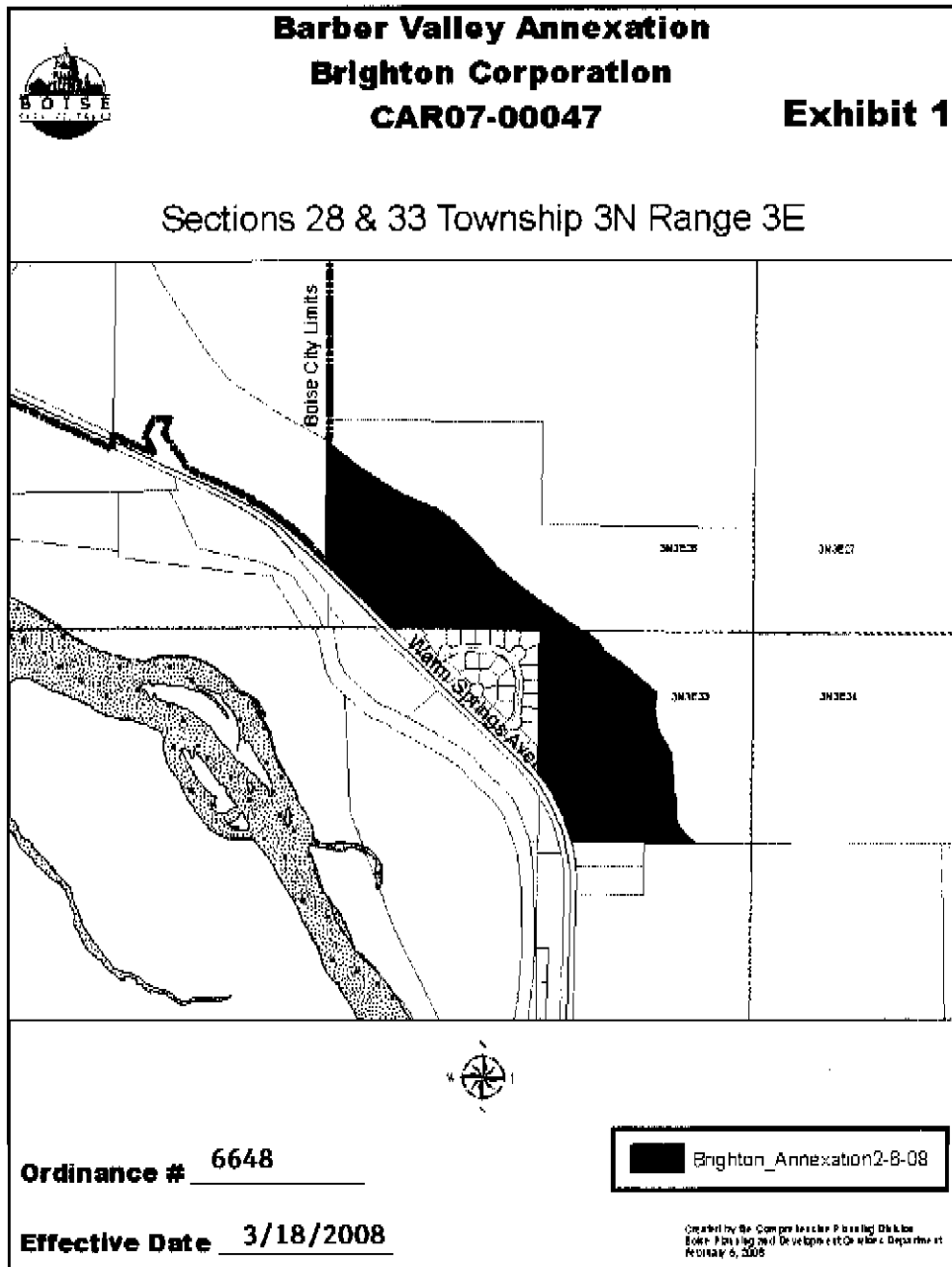
Barber Valley Specific Plan District Map

Barber Valley Specific Plan District zone amendment legal description

Partial Release of Development Agreement

Summary of Ordinance

Exhibit 1



**Exhibit 2**  
**Brighton Annexation Legal Description**

# ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 06-051-01

Date: June 19, 2007

## **THE TERRACE ANNEXATION DESCRIPTION**

A parcel of land located in the SE 1/4 of Section 28, and the NE 1/4 of the NE 1/4 of Section 33, T. 3 N., R. 3 E., B.M., Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 section corner common to Sections 28 and 33 of said T. 3 N., R. 3 E.;

Thence North 00°07'52" East, 317.87 feet on the north-south mid-section line of said Section 28 to a point on the centerline of East Warm Springs Avenue, said point being the **REAL POINT OF BEGINNING**;

Thence continuing North 00°07'52" East, 814.22 feet on the north-south mid-section line of said Section 28 to the northwest corner of Parcel B as shown on Record-of-Survey Number 7738 of Ada County Records;

Thence leaving said mid-section line and on the exterior boundary line of Parcel B as shown on said Record-of-Survey Number 7738 for the following courses and distances:

Thence South 50°25'42" East, 167.89 feet;

Thence South 49°42'49" East, 58.00 feet;

Thence South 56°20'26" East, 282.00 feet;

Thence South 65°23'34" East, 118.00 feet;

Thence South 66°10'30" East, 180.00 feet;

Thence South 54°07'38" East, 120.00 feet;

Thence South 44°59'56" East, 210.00 feet;

Thence South 41°27'23" East, 204.00 feet;

Thence South 52°29'04" East, 322.00 feet;

Thence South 55°36'34" East, 420.65 feet;

Thence South 36°51'01" East, 88.00 feet;  
Thence South 55°02'25" East, 132.00 feet;  
Thence South 48°55'33" East, 281.00 feet;  
Thence South 09°08'11" West, 100.00 feet;  
Thence South 11°20'52" East, 130.00 feet;  
Thence South 28°50'33" East, 174.00 feet;  
Thence South 04°02'01" West, 60.00 feet;  
Thence South 09°40'43" East, 80.00 feet;  
Thence South 02°27'04" East, 107.00 feet;  
Thence South 18°20'06" East, 46.00 feet;  
Thence South 04°14'25" West, 92.00 feet;  
Thence South 19°45'40" East, 60.00 feet;  
Thence South 35°32'30" East, 86.00 feet;

Thence South 48°09'33" East, 68.00 feet to a point on the east-west 1/16th section line of the NE 1/4 of said Section 33;

Thence North 89°15'40" West, 802.63 feet on said east-west 1/16th section line of Section 33 to a point on a curve on the centerline of East Warm Springs Avenue (Old State Highway 21), (from which point the northeast 1/16th section corner of said Section 33 bears North 89°15'40" West, 168.60 feet distant);

Thence 397.83 feet on the arc of a curve to the left, said curve having a radius of 1076.47 feet, a central angle of 21°10'30" and a chord distance of 395.57 feet which bears North 24°27'01" West on the centerline of East Warm Springs Avenue to a point on the north-south 1/16th section line of the NE 1/4 of said Section 33;

Thence North 00°46'36" East, 965.94 feet (formerly described as North 00°25'44" East) on the north-south 1/16th section line of the NE 1/4 of said Section 33, which line is also the easterly boundary of Riverland Terrace Subdivision, as same is shown on the plat thereof recorded in Book 40 of Plats at Page 3343 of Ada County Records, to the East 1/16th section corner common to said Sections 28 and 33, said point also being the northeast corner of said Riverland Terrace Subdivision;

Thence North 89°03'30" West, 989.21 feet (formerly described as North 89°24'38" West) on the section line common to said Sections 28 and 33, which line is also the northerly boundary line of said Riverland Terrace Subdivision to a point on the centerline of East Warm Springs Avenue (Old State Highway 21), (from which point the 1/4 section corner common to said Sections 28 and 33 bears North 89°03'30" West, 332.85 feet distant);

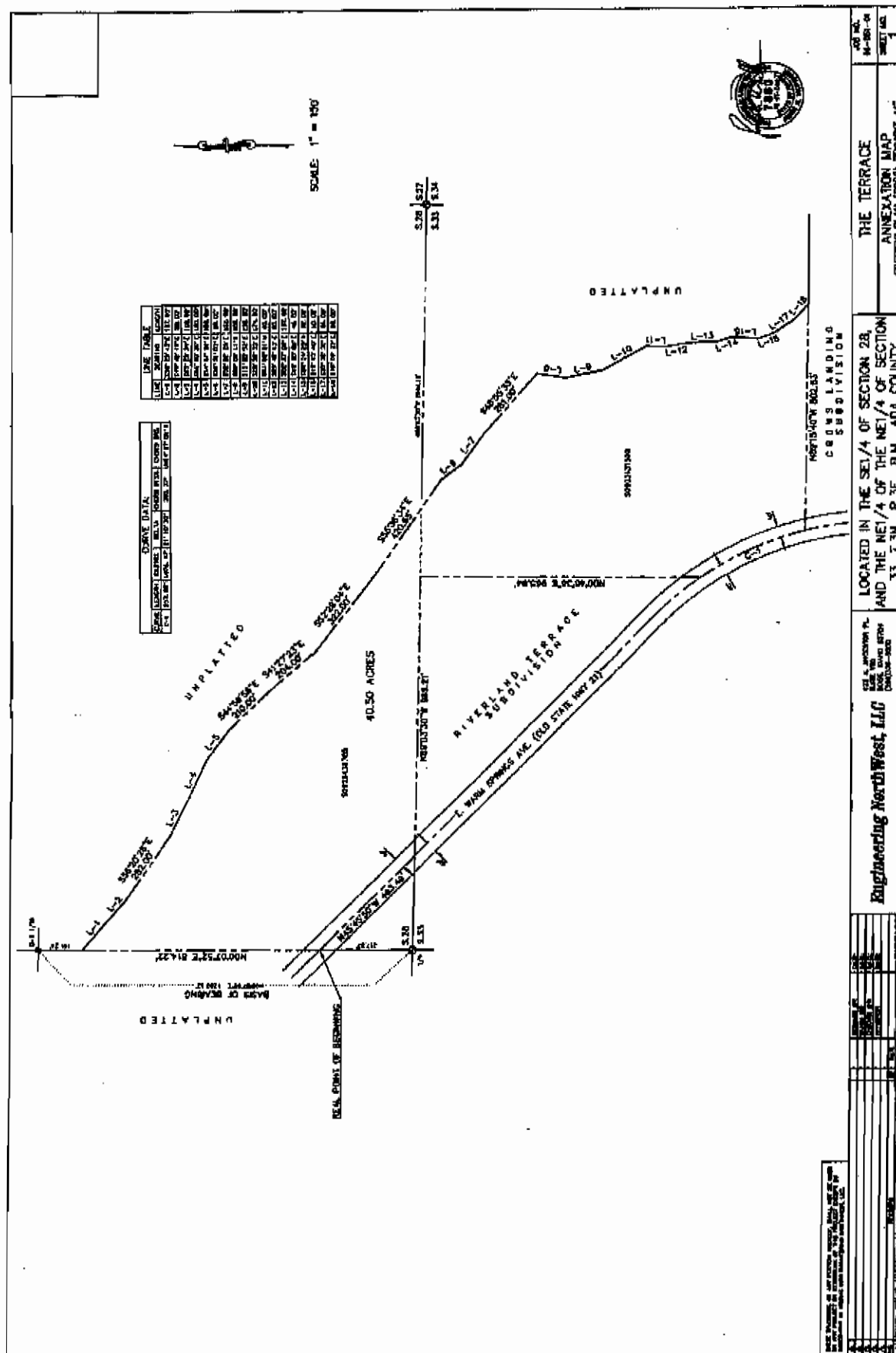
Thence from said point on the centerline, North 45°45'50" West, 463.49 feet (formerly described as North 45°45'41" West) on the centerline of East Warm Springs Avenue to the real point of beginning. Said parcel contains 40.50 acres more or less.

**PREPARED BY:**  
Engineering NorthWest, LLC



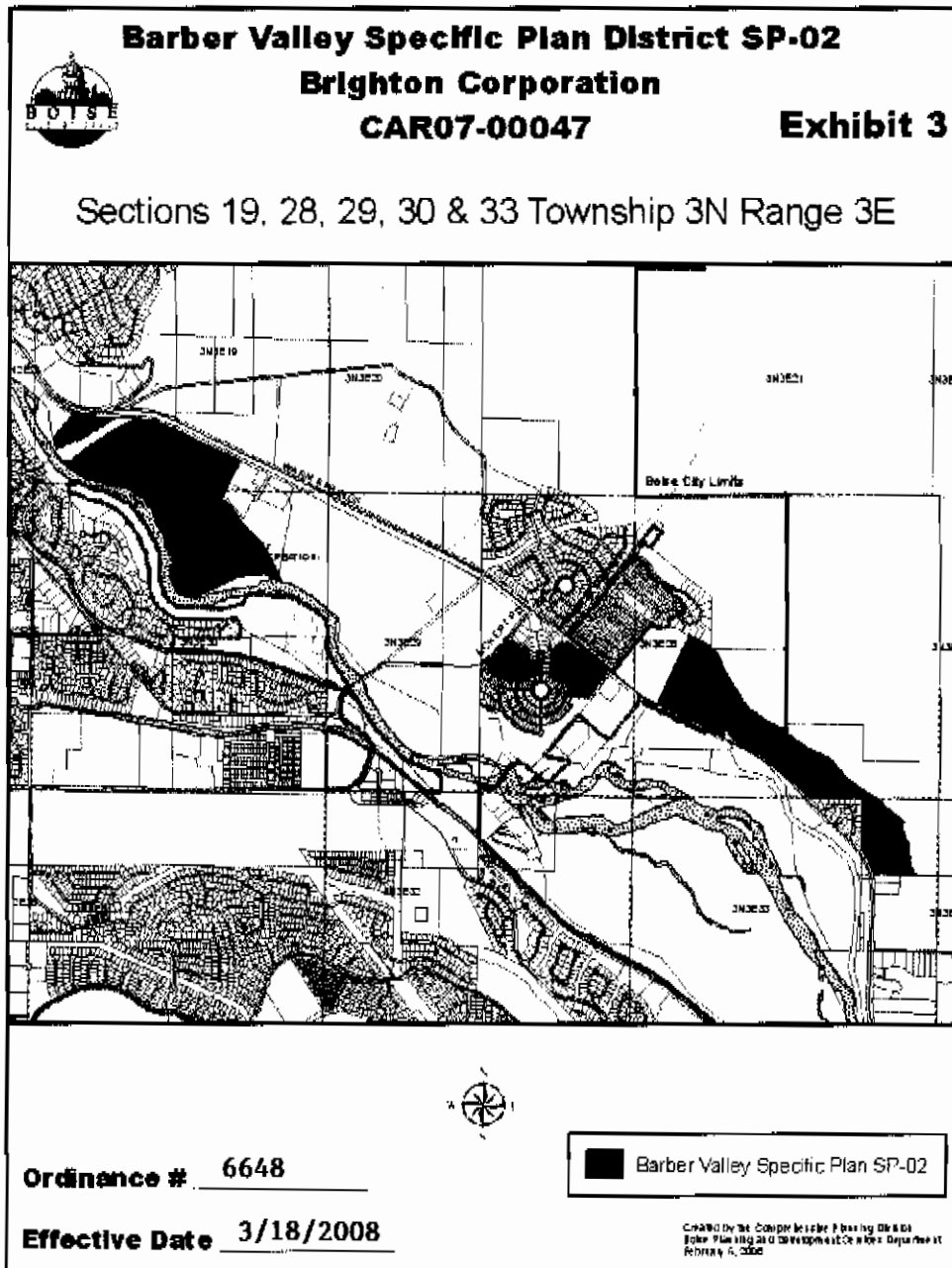
**James R. Washburn, PLS**





DATE PLACING IN JURY ROOMS: 11/11/11

Exhibit 3



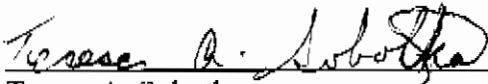
**Exhibit 4**

**Barber Valley SP-02 Zone Amendment Legal Description**

**STATEMENT OF BOISE CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 6648**

The undersigned, Teresa A. Sobotka, in her capacity as Assistant City Attorney of the City of Boise City, Idaho, hereby certifies that she is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 6648 of the City of Boise City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code Section 50-901A(3).

DATED this 18th day of March, 2008.

  
\_\_\_\_\_  
Teresa A. Sobotka  
Assistant Boise City Attorney

**SUMMARY OF ORDINANCE NO. 6648  
OF THE CITY OF BOISE CITY, IDAHO**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City of Boise City, Idaho, adopted at its regular meeting of March 18, 2008, that Ordinance No. 6648 entitled:

**AN ORDINANCE (CAR07-00047/BRIGHTON CORPORATION FOR +/-246.87 ACRES LOCATED AT 3107 E. WARMS SPRINGS AVENUE, 4941 E. MILL STATION DRIVE, 5225 E. MILL DRIVE, AND 6400 E. WARM SPRINGS AVENUE); AMENDING TITLE 11, CHAPTER 23, ENACTING A SPECIFIC PLAN DISTRICT ZONE AS SP-02 (BARBER VALLEY SPECIFIC PLAN DISTRICT); ANNEXING 40.5 ACRES AT 6400 E. WARM SPRINGS AVENUE, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE; DESIGNATING 66.7 ACRES AS THE PROPOSED MARIANNE WILLIAMS PARK; AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY DESCRIBED HEREIN FROM A-1/DA, C-1D/DA, R1C-DA, R-2D-DA, R-3D/DA, THE PARK FROM C-3D/DA, ROD/DA, LANDS PREVIOUSLY LOCATED IN ADA COUNTY FROM RP TO THE LAND USE CLASSIFICATION TO SP-02 (BARBER VALLEY**

**SPECIFIC PLAN DISTRICT); EXECUTING A PARTIAL RELEASE OF DEVELOPMENT AGREEMENT TO EXCLUDE ALL LANDS SUBJECT TO SP-02; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; AND APPROVING A SUMMARY OF THE ORDINANCE.**

This ordinance enacts a new subsection to Title 11, chapter 23 (11-23-02), Boise City Code to create a new zoning district, the Barber Valley Specific Plan District (SP-02). The ordinance provides general provisions for the district, as well as provisions for each sub district within the specific plan. The ordinance provides for the administration of the District and for processes for administrative reviews, compliance with City procedures and standards, the City's subdivision process and creates a design review process and standards. The ordinance provides for general and specific use standards within the District including land use requirements. The ordinance incorporates by reference all aspects of the specific plan.

The effective date of the Ordinance is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at Planning and Development Department, 150 North Capitol Boulevard, in Boise, Idaho 83701. Examination may be requested in writing or in person during regular business hours of the Planning and Development, from 8:00 a.m. until 5:00 p.m. pursuant to Section 50-901A(4), Idaho Code.

DATED this 18th day of March, 2008.

ATTEST:

City of Boise City, Idaho



By: Wendy L. Burrows-Johnson  
INTERIM CITY CLERK



By: David Bieter  
MAYOR



ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 01/22/07 12:07 PM  
DEPUTY Neava Haney  
RECORDED - REQUEST OF  
Title One

AMOUNT 21.00

7

107009481

Recording requested by and  
When recorded return to:  
Barber Mill Investments, LLC,  
12601 W. Explorer Drive, Suite  
200, Boise, Idaho 83713

### CORRECTION DEED

THIS Correction Deed, made this 18<sup>th</sup> day of January, 2007 between BARBER MILL COMPANY, an Idaho corporation ("Grantor") and BARBER MILL INVESTMENTS, LLC, an Idaho limited liability company ("Grantee"), whose address is 12601 W. Explorer Drive, Suite 200, Boise, Idaho 83713, relates back to and corrects the legal description identified as Exhibit A in that certain Warranty Deed, dated November 17, 2005, and recorded on November 21, 2005 in the real property records of Ada County, Idaho as Instrument No. 105177088 (the "Warranty Deed"). Except for the revision to Exhibit A to correct an inaccuracy in the legal description, the terms and conditions of the Warranty Deed remain unmodified and in full force and effect.

Exhibit A of the Warranty Deed, as corrected, is attached hereto as Exhibit A and incorporated herein by reference.

IN WITNESS WHEREOF, this Correction Deed has been duly executed by the Grantor the day and year herein first above written.

Barber Mill Company, an Idaho corporation



By: Larry Williams  
Its: President

On behalf of the Grantee Barber Mill Investments, LLC, I have reviewed the foregoing Correction Deed and accept the revised description of the real property conveyed to Barber Mill Investments, LLC, by and through the original Warranty Deed referred to herein and previously recorded in the records of Ada County as Instrument No. 105177088.

Barber Mill Investments, LLC



By: David Turnbull  
Its: Manager

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 18<sup>th</sup> day of January, 2007, before me, a Notary Public, personally appeared Larry Williams, known or identified to me to be the president of Barber Mill Company, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Julie Harrison  
NOTARY PUBLIC FOR IDAHO  
Residing at Boise  
My Commission Expires: 03/08/2012

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 22<sup>nd</sup> day of January, 2007, before me, a Notary Public, personally appeared David Turnbull, known or identified to me to be the manager or a member of Barber Mill Investments, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

~~IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.~~



Rebecca A. Hanks  
NOTARY PUBLIC FOR IDAHO  
Residing at Boise, Idaho  
My Commission Expires: 10.6.2011



# ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 05-043-02

Date: December 18, 2006

## **BARBER MILL COMPANY INVESTMENT PARCELS DESCRIPTION (REVISED)**

### **PARCEL C**

A parcel of land located in the South 1/2 of Section 19 and the North 1/2 of Section 30, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 Section corner common to Sections 20 and 29 of said T. 3 N., R. 3 E.;

Thence North 89°51'03" West, 2657.52 feet on the section line common to said Sections 20 and 29 to the Section corner common to Sections 19, 20, 29 and 30 of said T. 3 N., R. 3 E.;

Thence North 70°28'07" West, 1621.57 feet (formerly described as 1621.54 feet) to the northeast most corner of that parcel of land as shown on Record-of-Survey Number 1053 of Ada County Records, said point being the **REAL POINT OF BEGINNING**;

Thence South 25°22'28" West, 703.01 feet on the easterly boundary line of said Record-of-Survey Number 1053 Parcel;

Thence leaving said easterly boundary line, North 64°16'15" West, 220.14 feet;

Thence North 24°34'19" West, 121.38 feet;

Thence North 22°36'31" West, 60.00 feet;

Thence North 24°10'20" West, 602.51 feet;

Thence North 30°03'06" West, 190.57 feet;

Thence North 26°02'21" East, 90.26 feet to a point on the northerly boundary line of said parcel of land as shown on Record-of-Survey Number 1053;

Thence South 64°16'30" East, 971.98 feet on said northerly boundary line to the real point of beginning. Said parcel contains 10.23 acres more or less.

**ALSO INCLUDING:**



**PARCEL D**

A parcel of land located in the South 1/2 of Section 19 and the North 1/2 of Section 30, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 Section corner common to Sections 20 and 29 of said T. 3 N., R. 3 E.;

Thence North 89°51'03" West, 2657.52 feet on the section line common to said Sections 20 and 29 to the Section corner common to Sections 19, 20, 29 and 30 of said T. 3 N., R. 3 E.;

Thence North 83°35'15" West, 4597.21 feet to a point on the southerly boundary line of that parcel of land as shown on Record-of-Survey Number 1053 of Ada County Records, said point being on the right bank of the Boise River (from which point an angle point in the southerly boundary line of said Record-of-Survey Parcel bears North 41°34'52" West, 211.24 feet distant);

Thence leaving said right bank of the Boise River, North 86°24'54" East, 114.17 feet;

Thence North 47°51'27" East, 307.07 feet;

Thence North 57°13'44" East, 18.86 feet to the **REAL POINT OF BEGINNING**;

Thence North 57°13'44" East, 681.32 feet to a point of curve;

Thence 51.01 feet on the arc of a curve to the right, said curve having a radius of 960.00 feet, a central angle of 03°02'40" and a chord distance of 51.00 feet which bears North 58°45'06" East;

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Thence South 81°37'24" East, 388.28 feet;

Thence South 45°00'44" East, 89.02 feet;

Thence South 79°27'49" East, 449.91 feet;

Thence South 47°34'36" East, 261.55 feet;

Thence South 15°39'32" East, 570.34 feet;

Thence South 33°06'35" East, 215.15 feet;

Thence South 39°10'46" East, 50.20 feet;

Thence South 27°50'40" East, 98.26 feet;

Thence South 57°34'00" East, 113.31 feet;

Thence South 00°41'11" East, 250.53 feet;

Thence South 89°02'42" West, 103.53 feet to a point of curve;

Thence 141.51 feet on the arc of a curve to the right, said curve having a radius of 361.24 feet, a central angle of 22°26'41" and a chord distance of 140.61 feet which bears North 79°45'56" West;

Thence South 33°48'35" West, 361.47 feet;

Thence North 53°20'14" West, 256.25 feet;

Thence North 29°14'17" West, 273.27 feet;

Thence North 34°07'46" West, 284.60 feet;

Thence North 47°39'07" West, 235.75 feet;

Thence North 57°14'12" West, 278.85 feet;

Thence North 60°38'06" West, 212.76 feet;

Thence North 44°54'03" West, 310.25 feet;

Thence North 88°54'11" West, 120.58 feet;

Thence North 72°16'46" West, 223.29 feet;

Thence North 31°32'27" West, 111.92 feet to the real point of beginning. Said parcel contains 39.25 acres more or less.

---

**ALSO INCLUDING:**

**PARCELS**

A parcel of land located in the South 1/2 of Section 19, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 Section corner common to Sections 20 and 29 of said T. 3 N., R. 3 E.;

Thence North 89°51'03" West, 2657.52 feet on the section line common to said Sections 20 and 29 to the Section corner common to Sections 19, 20, 29 and 30 of said T. 3 N., R. 3 E.;

Thence North 83°35'15" West, 4597.21 feet to a point on the southerly property line of that parcel of land as shown on Record-of-Survey Number 1053 of Ada County Records, said point being on the right bank of the Boise River;

Thence North 41°34'52" West, 211.24 feet on the exterior boundary line of that parcel of land as shown on said Record-of-Survey Number 1053;

Thence North 12°46'57" West, 43.07 feet on the exterior boundary line of said Record-of-Survey Parcel;

Thence leaving said exterior boundary line, North 62°54'04" East, 235.79 feet to the **REAL POINT OF BEGINNING**;

Thence North 38°45'41" West, 106.15 feet;

Thence North 00°20'51" East, 173.90 feet;

Thence North 43°34'21" East, 267.81 feet;

Thence South 85°54'07" East, 103.54 feet;

Thence South 78°25'13" East, 181.36 feet to a point of curve;

Thence 100.87 feet on the arc of a curve to the right, said curve having a radius of 125.00 feet, a central angle of 46°14'30" and a chord distance of 98.17 feet which bears South 55°17'58" East;

~~Thence South 32°10'43" East, 97.35 feet;~~

Thence South 58°41'14" West, 433.11 feet;

Thence North 80°22'16" West, 59.12 feet (formerly described as North 80°11'31" West);

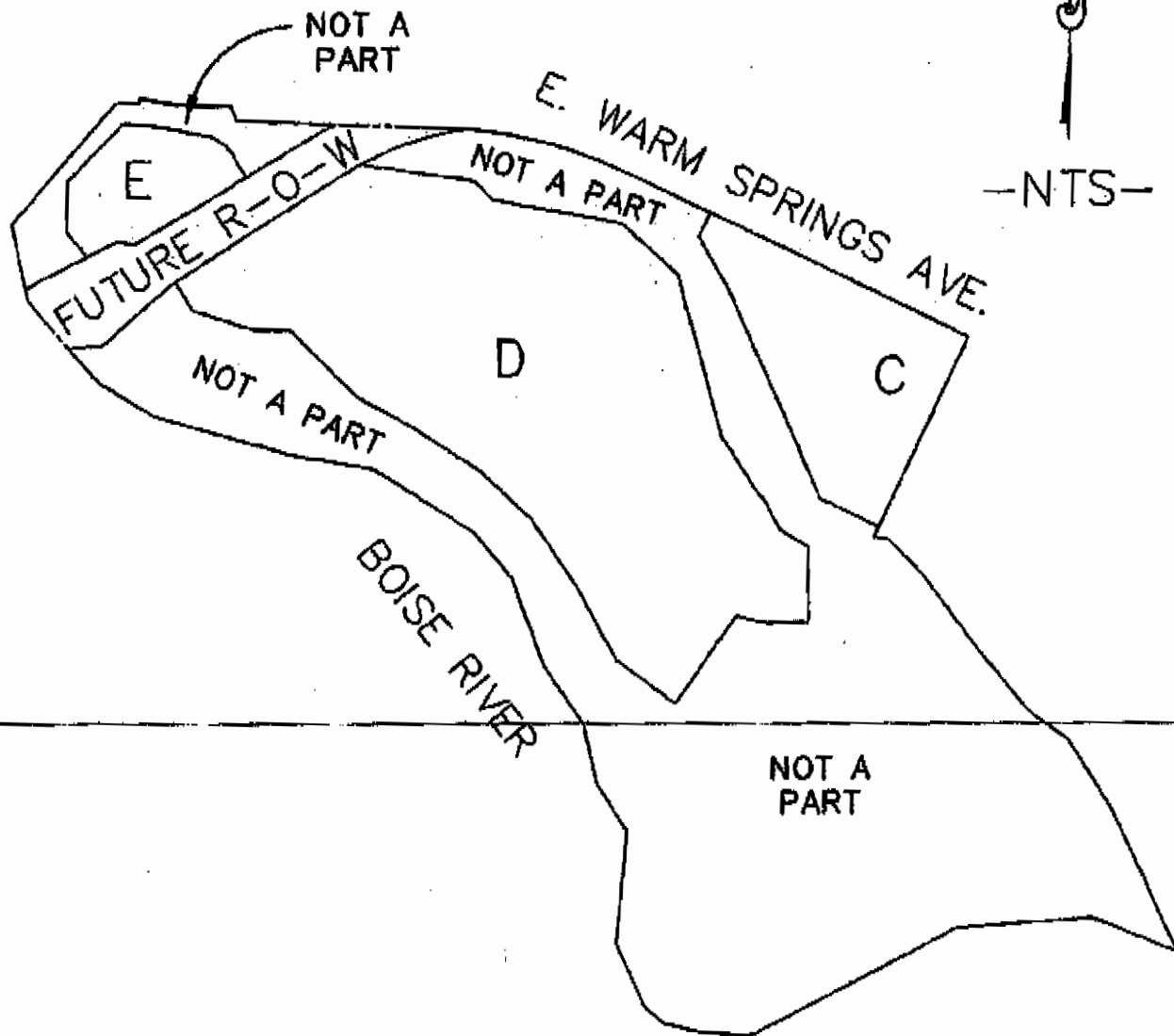
Thence South 62°54'04" West, 117.25 feet to the real point of beginning. Said parcel contains 3.86 acres more or less.

**PREPARED BY:**  
Engineering North West, LLC



James R. Washburn, PLS

# EXHIBIT 'B'



ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 01/26/06 09:25 AM  
DEPUTY Vicki Allan  
RECORDED--REQUEST OF  
Alliance Title

AMOUNT 27.00 9

106012946

After Recording  
Return to:

Christopher J. Beeson  
601 West Bannock Street  
Boise, ID 83702

FOR RECORDING INFORMATION

AT-5000630252

**WARRANTY DEED**  
(East Half of Harris Ranch East Parcel)

FOR VALUE RECEIVED, Harris Family Limited Partnership, an Idaho limited partnership, "Grantor," does hereby grant, bargain, sell and convey unto Martom Group LLC, a California limited liability company, "Grantee," whose address is 12601 West Explorer Drive, Suite 200, Boise, Idaho 83713, the real property, located in Ada County, Idaho, more particularly described on Exhibit A, attached hereto and made a part hereof, hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the Premises, with their appurtenances unto the Grantee, its heirs, successors and assigns forever; provided, however, any and all water and water rights, ditch and ditch rights, water storage and water storage rights shall be reserved to Grantor and shall not be granted, bargained, sold or conveyed to Grantee. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee simple of the Premises; that the Premises are free from all liens, claims and encumbrances except as set forth on Exhibit B, attached hereto and made a part hereof, and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned, being the general partner of Harris Family Limited Partnership, has caused its name to be hereunto subscribed this 24 day of January 2006.

Harris Family Limited Partnership, an Idaho  
limited partnership

Harris Family Limited Partnership, an Idaho  
limited partnership

By: Harris Management Company, LLC,  
Its General Partner

By: Harris Management Company, LLC,  
Its General Partner

MEMBERS:

Brian R. Harris

Brian R. Harris  
Class A

Mildred H. Davis

Mildred H. Davis  
Class B

Felicia H. Burkhalter

Felicia H. Burkhalter  
Class C

Alta M. Harris

Alta M. Harris  
Class D

MANAGERS:

Brian R. Harris

Brian R. Harris  
Class A Manager

Mildred H. Davis

Mildred H. Davis  
Class B Manager

Felicia H. Burkhalter

Felicia H. Burkhalter  
Class C Manager

Alta M. Harris

Alta M. Harris  
Class D Manager

STATE OF IDAHO )

) ss.

County of Ada

On this 24<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian R. Harris, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SUE BODINE  
NOTARY PUBLIC  
STATE OF IDAHO

Sue Bodine  
Notary Public for Idaho

Residing at \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission Expires 9-3-09  
Residing in Boise, Idaho

STATE OF IDAHO )

) ss.

County of Ada

On this 24<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred H. Davis, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SUE BODINE  
NOTARY PUBLIC  
STATE OF IDAHO

Sue Bodine  
Notary Public for Idaho

Residing at \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission Expires 9-3-09  
Residing in Boise, Idaho

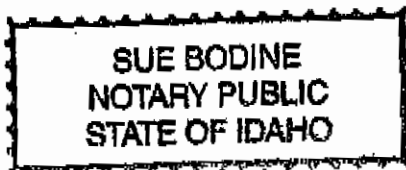
STATE OF IDAHO )

) ss.

County of Ada )

On this 24<sup>th</sup> day of January, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Felicia H. Burkhalter, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Sue Bodine

Notary Public for Idaho

Residing at \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission Expires 9-3-09  
Residing in Boise, Idaho

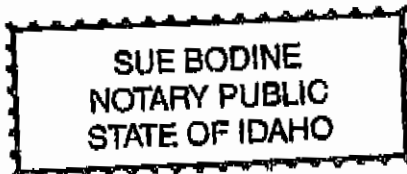
STATE OF IDAHO )

) ss.

County of Ada )

On this 24<sup>th</sup> day of January, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Alta M. Harris, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Sue Bodine

Notary Public for Idaho

Residing at \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission Expires 9-3-09  
Residing in Boise, Idaho



**EXHIBIT A**  
**Legal Description**  
**[East Half of Harris Ranch East Parcel]**

## ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5566

Project No. 05-043-01

Date: January 23, 2006

### **HARRIS RANCH EAST 43 ACRE PARCEL - EAST HALF DESCRIPTION**

A parcel of land located in the West 1/2 of Section 28 of T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho; more particularly described as follows:

Commencing at the section corner common to Sections 19, 20, 29 and 30 of said T. 3 N., R. 3 E.;

Thence South 89°24'07" East, 5300.35 feet on the section line common to said Sections 21 and 28 to the section corner common to Sections 20, 21, 28 and 29 of said T. 3 N., R. 3 E.;

Thence South 00°04'29" East, 2612.79 feet (formerly described as South 00°04'44" East, 2612.90 feet) on the section line common to said Sections 28 and 29 to the 1/4 section corner common to said Sections 28 and 29;

Thence South 00°56'05" West, 719.58 feet (formerly described as South 00°55'05" West, 719.16 feet) on the section line common to said Sections 28 and 29 to a point on the northerly right-of-way line of East Warm Springs Avenue (formerly State Highway 24);

Thence leaving said section line, North 51°17'49" West, 461.96 feet on the northerly right-of-way line of said East Warm Springs Avenue to a point on the easterly boundary line of Golden Dawn Mobile Home Subdivision Unit No. 1, as same is shown on the plat thereof recorded in Book 22 of Plats at Page 1418 of Ada County Records;

Thence leaving said northerly right-of-way line, North 38°47'03" East, 986.33 feet (formerly described as North 38°26'50" East) on the easterly boundary line of Golden Dawn Mobile Home Subdivision Unit No. 1, 2 and 3 to the southwesterly corner of that triangular shaped parcel of land described in the first section of Warranty Deed Instrument Number 8751249 of Ada County Records;

Thence leaving said Golden Dawn Mobile Home Subdivision Unit No. 3, North 85°21'00" East, 121.78 feet (formerly described as North 84°47'20" East, 122.27 feet) on the southerly boundary line of said Warranty Deed Parcel to an angle point on the southerly boundary line of Barbarton Subdivision No. 2, as same is shown on the Plat thereof recorded in Book 50 of Plats at Page 4080 of Ada County Records;

Thence North  $85^{\circ}05'15''$  East, 225.18 feet (formerly described as North  $84^{\circ}56'30''$  East, 224.60 feet) on the southerly boundary line of said Barborton Subdivision No. 2 to the southeasterly most corner of Lot 10, Block 4 of said Barborton Subdivision No. 2;

Thence leaving said Barborton Subdivision No. 2, South  $64^{\circ}36'47''$  East, 362.81 feet (formerly described as South  $64^{\circ}37'47''$  East) on the southerly boundary line of that parcel of land as described in that Quitclaim Deed Instrument Number 105135285 of Ada County Records to the **REAL POINT OF BEGINNING**;

Thence continuing South  $64^{\circ}36'47''$  East, 429.89 feet (formerly described as South  $64^{\circ}37'47''$  East) on the southerly boundary line of that parcel of land as described in that Quitclaim Deed Instrument Number 105135285 of Ada County Records to the southeasterly corner of said parcel, said point being on the north-south  $1/16$  th section line of the NW  $1/4$  of said Section 28;

Thence leaving said Quitclaim Deed parcel, South  $00^{\circ}02'08''$  West, 37.47 feet (formerly described as South  $00^{\circ}01'06''$  West) on said north-south  $1/16$  th section line to the Center West  $1/16$  th section corner of said Section 28;

Thence North  $89^{\circ}33'53''$  West, 10.88 feet (formerly described as North  $89^{\circ}34'45''$  West) on the east-west mid-section line of said Section 28 to the northwest corner of that parcel of land as shown on Record of Survey Number 4593 of Ada County Records;

Thence South  $00^{\circ}18'53''$  West, 1397.81 feet (formerly described as 1397.87 feet) on the westerly boundary line of said Record of Survey Number 4593 parcel to the southwest corner of said Record of Survey Number 4593 parcel, which point is on the northerly right-of-way line of said East Warm Springs Avenue;

Thence North  $65^{\circ}14'49''$  West, 1010.47 feet (formerly described as 1010.62) on said northerly right-of-way line to a point of curve;

Thence leaving said northerly right-of-way line, North  $24^{\circ}36'12''$  East, 1315.85 feet to the real point of beginning. Said parcel contains 21.33 acres more or less.

PREPARED BY:  
Engineering North West, LLC



James R. Washburn, PLS

**EXHIBIT B**  
**Permitted Exceptions**

4. Liens, levies and assessments of the City of Boise.
5. Levies and assessments of the Boise Kuna Irrigation District, and the rights, powers and easements of said district as by law provided.
6. Rights of the United States of America in and to that portion of the herein described premises lying within the Penitentiary Canal.
7. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: American Telephone and Telephone and Telegraph Company of Wyoming.  
Purpose: Communication System.  
Recorded: October 1, 1941.  
Book: 17 of Miscellaneous.  
Page: 473, of Official Records.  
Affects: Parcel A and other property.

**Assignment**

In favor of: The Mountain States Telephone and Telegraph Company, a Colorado corporation.  
Recorded: April 29, 1974.  
Instrument No.: 883372, of Official Records.

8. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: American Telephone and Telegraph Company of Wyoming.  
Purpose: Communication System.  
Recorded: October 27, 1941.  
Book: 17 of Miscellaneous.  
Page: 546, of Official Records.  
Affects: Parcel A and other property.

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**Assignment**

In favor of: The Mountain States Telephone and Telegraph Company, a Colorado corporation.  
Recorded: April 29, 1974.  
Instrument No.: 883372, of Official Records.

9. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted to: Idaho Power Company.  
Purpose: Public Utilities.  
Recorded: August 8, 1963.  
Instrument No.: 562926, of Official Records.  
Affects: Parcel A and other property.
10. Rights, interests, or claims which may exist or arise by reason of fact(s) shown on a survey plat entitled Survey for Bureau of Reclamation.  
Dated: March 1979.  
Prepared by: J-U-B Engineers, Inc.  
Recorded: June 27, 1979.  
Instrument No.: 7935070, of Official Records.

11. Agreement, and the terms and conditions contained therein:

Between: City of Boise City.

And: Alliance Title & Escrow Corp., Harris Family Ranch, LLP, Felicia Burkhalter, Millie H. Davis, Randy Harris, Gary Dallas Harris, and Barber Mill Company, Inc.

Purpose: Development Agreement

Recorded: June 23, 1998.

Instrument No.: 98060486, of Official Records.

First Modification to Development Agreement

Recorded: September 20, 2000.

Instrument No.: 100075115, of Official Records.

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106012358

After Recording  
Return to:

Christopher J. Beeson  
601 West Bannock Street  
Boise, ID 83702

FOR RECORDING INFORMATION

**ACCOMMODATION RECORDING**

**WARRANTY DEED  
(Mill District)**

FOR VALUE RECEIVED, Harris/Brighton, LLC, an Idaho limited liability company, "Grantor," does hereby grant, bargain, sell and convey unto Brighton Investments, LLC, an Idaho limited liability company, "Grantee," whose address is 12601 West Explorer Drive, Suite 200, Boise, Idaho 83713, the real property, located in Ada County, Idaho, more particularly described on Exhibit A attached hereto and made a part hereof, hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the Premises, with their appurtenances unto the Grantee, its heirs, successors and assigns forever; provided, however, any and all water and water rights, ditch and ditch rights, water storage and water storage rights shall be reserved to Grantor and shall not be granted, bargained, sold or conveyed to Grantee. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee simple of the Premises; that the Premises are free from all liens, claims and encumbrances except those disclosed of record or visible upon the Premises, and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned, being the members of Harris/Brighton, LLC, have caused their names to be hereunto subscribed this 11 day of January, 2006.

HARRIS/BRIGHTON, LLC, an Idaho limited liability company

HARRIS/BRIGHTON, LLC, an Idaho limited liability company

By: Brighton Investments, LLC, an Idaho limited liability company, its Member

By: Harris Family Ranch, LLP, an Idaho limited liability partnership, its Member

By: David W. Turnbull  
David W. Turnbull, Member

By: Felicia Harris Burkhalter  
Felicia Harris Burkhalter  
Managing Partner

By: Mildred H. Davis  
Mildred H. Davis  
Managing Partner

By: Brian Randolph Harris  
Brian Randolph Harris  
Managing Partner

STATE OF IDAHO )

County of Ada )

ss.

On this 19<sup>th</sup> day of January, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Felicia Harris Burkhalter, known or identified to me to be a Managing Partner of Harris Family Ranch, LLP, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho

Residing at Meridian, ID

My commission expires: 4/1/06

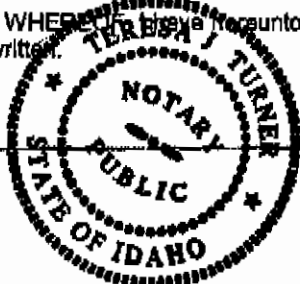
STATE OF IDAHO )

County of Ada )

ss.

On this 17<sup>th</sup> day of January, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred H. Davis, known or identified to me to be a Managing Partner of Harris Family Ranch, LLP, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho

Residing at Meridian, ID

My commission expires: 4/1/06

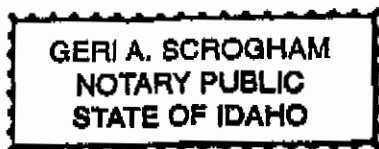
STATE OF IDAHO )

County of Ada )

ss.

On this 17<sup>th</sup> day of January, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian Randolph Harris, known or identified to me to be a Managing Partner of Harris Family Ranch, LLP, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho

Residing at Boise

My commission expires: 12-15-06



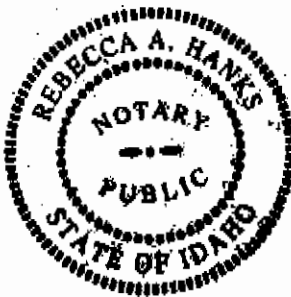
STATE OF IDAHO

County of Ada

) ss.  
)

On this 23<sup>rd</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared David W. Turnbull, known or identified to me to be the member of Brighton Investments, LLC, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rebecca A. Hanks  
Notary Public for Idaho

Residing at Bridges Park

My commission expires: 11-6-2011

**EXHIBIT A**  
**Legal Description of Mill District Parcel**  
**(12.60 acres and 8.35 acres)**

Project No. 05-043-01

Date: September 19, 2005

## HARRIS RANCH APARTMENTS PARCEL DESCRIPTION

A parcel of land located in the East 1/2 of Section 29, T. 3 N., R. 3 E., B.M., Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 20, 21, 28 and 29, of said T. 3 N., R. 3 E.;

Thence South 00°04'44" East, 2612.90 feet on the section line common to said Sections 28 and 29, to the 1/4 section corner common to said Sections 28 and 29;

Thence South 00°55'05" West, 820.39 feet on the section line common to said Sections 28 and 29;

Thence leaving said section line, North 51°17' 49" West, 1469.67 feet to a point on the southerly right-of-way line of East Warm Springs Avenue at the easterly right-of-way line of South Council Spring Way (formerly South Squaw Creek Way), as same is shown on the plat of Harris Ranch Subdivision No. 1, recorded in Book 79 of Plats at Page 8416 of Ada County Records, said point also being the **REAL POINT OF BEGINNING**;

Thence reversing direction, South 51°17' 49" East, 854.04 feet on the southerly right-of-way line of East Warm Springs Avenue to a point of curve;

Thence leaving said southerly right-of-way line, 31.47 feet along the arc of a curve to the right, said curve having a radius of 20.00 feet, a central angle of 90°09'03" and a chord distance of 28.32 feet which bears South 06°13'19" East;

Thence South 38°51'14" West, 445.11 feet on a line which is 50.00 feet westerly of and parallel with the westerly boundary line of those parcels as shown on Record-of-Survey Number 5828 of Ada County Records, to a point of curve;

Thence 78.53 feet along the arc of a curve to the right, said curve having a radius of 200.00 feet, a central angle of 22°29'54" and a chord distance of 78.03 feet which bears South 50°06'11" West;

Thence South 61°21'07" West, 19.85 feet to a point of curve;

Thence 22.28 feet along the arc of a curve to the right, said curve having a radius of 20.00 feet, a central angle of  $63^{\circ}49'15''$  and a chord distance of 21.14 feet which bears North  $86^{\circ}44'15''$  West to a point of reverse curve;

Thence 91.21 feet along the arc of a curve to the left, said curve having a radius of 82.00 feet, a central angle of  $63^{\circ}43'57''$  and a chord distance of 86.58 feet which bears North  $86^{\circ}41'35''$  West to a point of reverse curve;

Thence 21.37 feet along the arc of a curve to the right, said curve having a radius of 20.00 feet, a central angle of  $61^{\circ}13'13''$  and a chord distance of 20.37 feet which bears North  $87^{\circ}56'57''$  West to a point of reverse curve;

Thence 209.96 feet along the arc of a curve to the left, said curve having a radius of 1000.00 feet, a central angle of  $12^{\circ}01'47''$  and a chord distance of 209.57 feet which bears North  $63^{\circ}21'14''$  West, a portion of said curve being common with curve C-4 on the northerly boundary line of Harris Ranch Subdivision No. 8, as same is shown on the Plat thereof recorded in Book 84 of Plats at Page 9343 of Ada County Records;

Thence on the boundary line of said Harris Ranch Subdivision No. 8 for the following two courses and distances:

Thence North  $17^{\circ}21'01''$  East, 145.21 feet to a point of curve;

Thence 170.76 feet along the arc of a curve to the left, said curve having a radius of 1258.00 feet, a central angle of  $07^{\circ}46'38''$  and a chord distance of 170.63 feet which bears North  $75^{\circ}39'35''$  West;

Thence North  $79^{\circ}32'54''$  West, 50.81 feet to a point of curve on the boundary line of said Harris Ranch Subdivision No. 1, said point is on the easterly right-of-way line of an alley at the southeasterly end of curve C-39 of said Subdivision Plat;

Thence on the easterly boundary line of said Harris Ranch Subdivision No. 1 for the following courses and distances:

Thence 58.90 feet along the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $42^{\circ}11'13''$  and a chord distance of 57.58 feet which bears North  $58^{\circ}27'18''$  West to a point of reverse curve;

Thence 62.99 feet along the arc of a curve to the left, said curve having a radius of 309.00 feet, a central angle of  $11^{\circ}40'44''$  and a chord distance of 62.88 feet which bears North  $43^{\circ}12'03''$  West to a point of reverse curve;

Thence 68.47 feet along the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $49^{\circ}02'25''$  and a chord distance of 66.40 feet which bears North  $24^{\circ}31'13''$  West;

Thence North 0°00'00" East, 163.05 feet to a point of curve;

Thence 29.15 feet along the arc of a curve to the right, said curve having a radius of 50.00 feet, a central angle of 33°24'32" and a chord distance of 28.74 feet which bears North 16°42'16" East to a point of reverse curve;

Thence 65.72 feet along the arc of a curve to the left, said curve having a radius of 70.00 feet, a central angle of 53°47'35" and a chord distance of 63.33 feet which bears North 06°30'45" East;

Thence North 20°23'02" West, 66.53 feet to a point of curve;

Thence 233.58 feet along the arc of a curve to the left, said curve having a radius of 477.50 feet, a central angle of 28°01'38" and a chord distance of 231.26 feet which bears North 53°12'07" East to a point of reverse curve;

Thence 17.17 feet along the arc of a curve to the right, said curve having a radius of 75.00 feet, a central angle of 13°07'04" and a chord distance of 17.13 feet which bears North 45°44'50" East;

Thence North 52°18'22" East, 8.88 feet to a point of curve;

Thence 19.71 feet along the arc of a curve to the left, said curve having a radius of 83.00 feet, a central angle of 13°36'11" and a chord distance of 19.66 feet which bears North 45°30'17" East;

Thence North 38°42'11" East, 49.05 feet;

---

Thence North 83°42'11" East, 42.62 feet;

Thence North 38°42'11" East, 16.00 feet to the real point of beginning. Said parcel contains 12.60 acres more or less.

PREPARED BY:  
Engineering North West, LLC



James R. Washburn, PLS

Project No. 05-043-01

Date: September 7, 2005

## HARRIS RANCH TOWNHOUSE PARCEL DESCRIPTION

A parcel of land located in the E 1/2 of Section 29, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 section corner common to Sections 20 and 29 of said T. 3 N., R. 3 E.;

Thence South 00°29'29" West, 2896.86 feet on the north-south mid-section line of said Section 29 to a point of curve on the northwesterly boundary line of Harris Ranch Subdivision No. 1, as same is shown on the plat thereof recorded in Book 79 of Plats at Pages 8416 through 8425, of Ada County Records, said point also being on the westerly right-of-way line of South Eckert Road;

Thence leaving said mid-section line and westerly right-of-way line, South 75°09'13" East, 96.38 feet to the easterly right-of-way line of South Eckert Road, said point being the northeast most corner of Lot 22, Block 4 of said Subdivision, and being the **REAL POINT OF BEGINNING**;

Thence on the boundary line of said Harris Ranch Subdivision No. 1 and the easterly right-of-way line of South Eckert Road for the following courses and distances:

Thence 158.74 feet on the arc of a curve to the left, said curve having a radius of 594.00 feet, a central angle of 15°18'43" and a chord distance of 158.27 feet which bears ~~North 48°55'11" East;~~

Thence North 41°15'49" East, 397.19 feet to a point of curve;

Thence leaving the southerly right-of-way line of South Eckert Road South 86°25'25" East, 30.00 feet on the southerly right-of-way line of East Mill Station Drive;

Thence continuing on the boundary line of said Harris Ranch Subdivision No. 1 and on the southerly right-of-way line of East Mill Station Drive for the following courses and distances:

Thence South 52°44'11" East, 62.72 feet to a point of curve;

Thence 16.21 feet on the arc of a curve to the left, said curve having a radius of 85.00 feet, a central angle of 10°55'47" and a chord distance of 16.19 feet which bears South 58°12'04" East;

Thence South 63°39'58" East, 18.02 feet to a point of curve;

Thence 16.21 feet on the arc of a curve to the right, said curve having a radius of 85.00 feet, a central angle of  $10^{\circ}55'47''$  and a chord distance of 16.19 feet which bears South  $58^{\circ}12'04''$  East;

Thence South  $52^{\circ}44'11''$  East, 24.29 feet to a point of curve;

Thence 43.20 feet on the arc of a curve to the right, said curve having a radius of 167.50 feet, a central angle of  $14^{\circ}46'43''$  and a chord distance of 43.08 feet which bears South  $45^{\circ}20'49''$  East to a point of reverse curve;

Thence 240.18 feet on the arc of a curve to the left, said curve having a radius of 477.50 feet, a central angle of  $28^{\circ}49'10''$  and a chord distance of 237.66 feet which bears South  $52^{\circ}22'03''$  East;

Thence leaving the southerly right-of-way line of East Mill Station Drive, South  $22^{\circ}01'22''$  West, 8.32 feet to a point of curve;

Thence continuing on the boundary of said Harris Ranch Subdivision No. 1 for the following courses and distances:

Thence 95.20 feet on the arc of a curve to the left, said curve having a radius of 100.00 feet, a central angle of  $54^{\circ}32'46''$  and a chord distance of 91.65 feet which bears South  $05^{\circ}15'01''$  East;

Thence South  $32^{\circ}31'24''$  East, 24.40 feet to a point of curve;

Thence 45.41 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $32^{\circ}31'24''$  and a chord distance of 44.80 feet which bears South  $16^{\circ}15'42''$  East;

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Thence South  $00^{\circ}00'00''$  West, 153.18 feet to a point of curve;

Thence 62.83 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $45^{\circ}00'00''$  and a chord distance of 61.23 feet which bears South  $22^{\circ}30'00''$  West;

Thence South  $45^{\circ}00'00''$  West, 85.32 feet to a point of curve;

Thence 62.83 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $45^{\circ}00'00''$  and a chord distance of 61.23 feet which bears South  $67^{\circ}30'00''$  West;

Thence North  $90^{\circ}00'00''$  West, 195.70 feet to a point of curve;

Thence 31.96 feet on the arc of a curve to the right, said curve having a radius of 50.00 feet, a central angle of  $36^{\circ}37'17''$  and a chord distance of 31.42 feet which bears North  $71^{\circ}41'22''$  West to a point of reverse curve;

Thence 91.11 feet on the arc of a curve to the left, said curve having a radius of 220.00 feet, a central angle of  $23^{\circ}43'42''$  and a chord distance of 90.46 feet which bears North  $65^{\circ}14'34''$  West;

Thence North  $10^{\circ}49'39''$  East, 30.14 feet;

Thence North  $79^{\circ}10'21''$  West, 50.00 feet;

Thence South  $10^{\circ}49'39''$  West, 30.66 feet to a point of curve;

Thence 36.15 feet on the arc of a curve to the left, said curve having a radius of 120.00 feet, a central angle of  $17^{\circ}15'34''$  and a chord distance of 36.01 feet which bears North  $89^{\circ}04'23''$  West to a point of reverse curve;

Thence 55.76 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $39^{\circ}56'01''$  and a chord distance of 54.64 feet which bears North  $77^{\circ}44'10''$  West to a point of compound curve;

Thence 86.60 feet on the arc of a curve to the right, said curve having a radius of 965.00 feet, a central angle of  $05^{\circ}08'31''$  and a chord distance of 86.58 feet which bears North  $55^{\circ}11'54''$  West to a point of compound curve;

Thence 78.72 feet on the arc of a curve to the right, said curve having a radius of 155.00 feet, a central angle of  $29^{\circ}05'55''$  and a chord distance of 77.88 feet which bears North  $38^{\circ}04'40''$  West;

Thence North  $23^{\circ}31'43''$  West, 80.85 feet;

Thence North  $33^{\circ}12'24''$  West, 65.53 feet to the real point of beginning. Said parcel contains 8.35 acres more or less.

PREPARED BY:  
Engineering North West, LLC



James R. Washburn, PLS



106012948

After Recording  
Return to:

Christopher J. Beason  
601 West Bannock Street  
Boise, ID 83702

FOR RECORDING INFORMATION

AT 5000630252

WARRANTY DEED  
(Darkwood & Lower Grant Parcels)

FOR VALUE RECEIVED, Harris/Brighton, LLC, an Idaho limited liability company, "Grantor," does hereby grant, bargain, sell and convey unto Harris Family Ranch, LLP, an Idaho limited liability partnership, whose address is 4940 Mill Station Drive, Boise, Idaho 83718, as to an undivided 50% interest; and unto Brighton Investments, LLC, an Idaho limited liability company, whose address is 12601 West Explorer Drive, Suite 200, Boise, Idaho 83713, as to an undivided 50% interest; collectively the "Grantee," the real property, located in Ada County, Idaho, more particularly described on Exhibit A and Exhibit B attached hereto and made a part hereof, hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the Premises, with their appurtenances unto the Grantee, its heirs, successors and assigns forever; provided, however, any and all water and water rights, ditch and ditch rights, water storage and water storage rights shall be reserved to Grantor and shall not be granted, bargained, sold or conveyed to Grantee. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee simple of the Premises; that the Premises are free from all liens, claims and encumbrances except as set forth on Exhibit C, attached hereto and made a part hereof, and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned, being the members of Harris/Brighton, LLC, have caused their names to be hereunto subscribed this 17 day of January, 2006.

~~HARRIS/BRIGHTON, LLC, an Idaho limited liability company~~

~~HARRIS/BRIGHTON, LLC, an Idaho limited liability company~~

By: Brighton Investments, LLC, an Idaho limited liability company, its Member

By: Harris Family Ranch, LLP, an Idaho limited liability partnership, its Member

By: David W. Turnbull  
David W. Turnbull, Member

By: Felicia Harris Burkhalter  
Felicia Harris Burkhalter  
Managing Partner

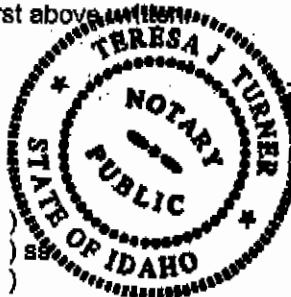
By: Mildred H. Davis  
Mildred H. Davis  
Managing Partner

By: Brian Randolph Harris  
Brian Randolph Harris  
Managing Partner

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 19<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Felicia Harris Burkhalter, known or identified to me to be a Managing Partner of Harris Family Ranch, LLP, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

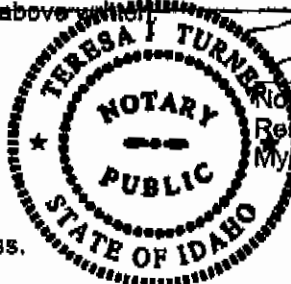


Teresa J. Turner  
Notary Public for Idaho  
Residing at Menden ID  
My commission expires: 4/1/06

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 17<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred H. Davis, known or identified to me to be a Managing Partner of Harris Family Ranch, LLP, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

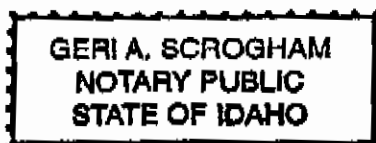


Teresa J. Turner  
Notary Public for Idaho  
Residing at Menden ID  
My commission expires: 4/1/06

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 17<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian Randolph Harris, known or identified to me to be a Managing Partner of Harris Family Ranch, LLP, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Geri A. Scroggum  
Notary Public for Idaho  
Residing at Boise  
My commission expires: 12-19-06

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 23<sup>rd</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared David W. Turnbull, known or identified to me to be the member of Brighton Investments, LLC, a member of Harris/Brighton, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rebecca A. Hanks  
Notary Public for Idaho

Residing at 1241 N. 1st St.

My commission expires: 12-31-2011

**EXHIBIT A**  
**Legal Description of Darkwood Parcel**  
**(25.6 Acres)**

# **Engineering NorthWest, LLC**

10221 W. Emerald, Suite 140

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 01-017-01

Date: 4-17-2002

## **HARRIS RANCH WARM SPRINGS AVENUE 25-ACRE PARCEL (REVISED)**

A parcel of land being a portion of the NE 1/4 of the SW 1/4 of Section 28, T. 3N., R. 3 E., B.M., and a portion of Government Lot 1 of said Section 28, T. 3 N., R. 3 E., B.M. Ada County, Idaho, more particularly described as follows:

Commencing at a found brass cap monument marking the South 1/4 corner of said Section 28; thence North 00°07'52" East, 373.61 feet (formerly North 380.2 feet), along the north-south mid-section line of said Section 28, to a point on the Northeasterly right-of-way of Warm Springs Avenue, the REAL POINT OF BEGINNING;

Thence North 45°37'53" West, 192.06 feet, (formerly North 45°55" West, 191.6 feet), along said Northeasterly right-of-way to a point of tangent curvature;

Thence Northwesterly 667.59 feet (formerly 668.8 feet), along a curve to the left and along said Northeasterly right-of-way, said curve having a radius of 1950.00 feet, a central angle of 19°36'56" (formerly 19°39'), and a long chord of 664.34 feet which bears North 55°26'21" West, to a point of tangency;

Thence North 65°14'49" West, (formerly North 65°34' West), 219.61 feet, to a point on the Northeasterly boundary of a 100-foot wide strip of land deeded to the United States of America, recorded in Book 79 of Deeds at page 450, Records of Ada County, Idaho;

Thence North 33°40'00" West, 248.00 feet, along said Northeasterly boundary to a point;

Thence North 21°44'21" East, (formerly North 09°20' West) 107.03 feet, to a point on the Northerly boundary of said Government Lot 1;

Thence South 89°57'17" West, 107.69 feet along said Northerly boundary of Government Lot 1, to a point on the Northwesterly boundary of said 100-foot wide strip of land deeded to the United States of America;

Thence South 21°44'21" West, (formerly South 09°20' East) 119.57 feet, along said Northwesterly boundary to a point;

Thence South 33°40'00" East, 137.84 feet along said Southwesterly boundary to a point on said Northeasterly right-of-way of Warm Springs Avenue;

Thence North 65°14'49" West, 290.94 feet, along said Northeasterly right-of-way to the Southwesterly corner of a parcel of land, described in deed and recorded as Instrument No. 95033792, Records of Ada County, Idaho;

Thence North 00°18'53" East, 1397.87 feet, along an existing fence line and along the Westerly boundary of said parcel of land Instrument No. 95033792, and along the Westerly boundary of Parcel 2, described in deed and recorded as Instrument No. 95033791, records of Ada County, Idaho, to a point on the Northerly boundary of the N 1/2 of the SW 1/4 of said Section 28, from which point the Northwesterly corner of said NE 1/4 of the SW 1/4 of Section 28 bears South 89°34'45" East 10.88 feet (formerly East 10 feet);

Thence South 89°34'45" East, 26.26 feet along the Northerly boundary of said N 1/2 of the SW 1/4 of Section 28 to a point;

Thence leaving said Northerly boundary South 44°34'49" East 151.81 feet to a point;

Thence South 22°28'52" East, 333.99 feet;

Thence South 32°20'57" East, 522.37 feet;

Thence South 38°55'11" East, 243.92 feet;

Thence South 54°42'53" East, 358.74 feet;

Thence South 60°09'01" East, 379.76 feet to a point on said North-South mid-section line;

Thence South 00°07'52" West, 758.48 feet, along said North-South mid-section line to the real point of beginning. Containing 25.60 acres more or less.

PREPARED BY:  
Engineering NorthWest, LLC



James R. Washburn, PLS

**EXHIBIT B**  
**Legal Description of Lower Grant Parcel**  
**(39.64 Acres)**

# Engineering NorthWest, LLC

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 05-043-01

Date: November 30, 2005

## GRANT PARCEL DESCRIPTION

A parcel of land located in the S 1/2 of the SE 1/4 of Section 28, and the NE 1/4 of the NE 1/4 of Section 33, of T. 3 N., R. 3 E., B., M., Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 27, 28, 33 and 34 of said T. 3 N., R. 3 E., (from which point the 1/4 Section corner common to said Sections 28 and 33 bears North 89°03'30" West, 2644.12 feet distant);

Thence from said section corner, South 00°38'45" West, 1319.22 feet on the Section line common to said Sections 33 and 34, to the North 1/16th section corner common to said Sections 33 and 34;

Thence North 89°15'40" West, 353.84 feet on the southerly boundary of the NE 1/4 of the NE 1/4 of said Section 33 to the **REAL POINT OF BEGINNING**;

Thence continuing North 89°15'40" West, 761.34 feet on the southerly boundary of the NE 1/4 of the NE 1/4 of said Section 33 to a point on a curve on the easterly right-of-way line of East Warm Springs Avenue (Old State Highway 21), (from which point the northeast 1/16th section corner of said Section 33 bears North 89°15'40" West, 209.88 feet distant);

Thence 476.69 feet on the arc of a curve to the left, said curve having a radius of 1116.47 feet, a central angle of 24°27'47" and a chord distance of 473.08 feet which bears North 25°33'37" West, on said easterly right-of-way line of East Warm Springs Avenue to the southeast corner of Riverland Terrace Subdivision, as same is shown on the plat thereof recorded in Book 40 of Plats at Page 3343 of Ada County Records;

Thence North 00°46'36" East, 899.79 feet (formerly described as North 00°25'44" East, 899.74 feet) on the easterly boundary of said Riverland Terrace Subdivision, which line is also the westerly boundary line of the NE 1/4 of the NE 1/4 of said Section 33 to the East 1/16th section corner common to said Sections 28 and 33, said point also being the northeast corner of said Riverland Terrace Subdivision;

Thence North 89°03'30" West, 930.88 feet (formerly described as North 89°24'38" West) on the Section line common to said Sections 28 and 33, which line is also the northerly boundary line of said Riverland Terrace Subdivision to a point on the easterly right-of-way line of East Warm Springs Avenue (Old State Highway 21), (from which point the 1/4 section corner common to said Sections 28 and 33 bears North 89°03'30" West, 391.18 feet distant);



Thence North 45°45'41" West, 544.74 feet on the easterly right-of-way line of said East Warm Springs Avenue to a point on the north-south mid-section line of said Section 28 (from which the 1/4 section corner common to said Sections 28 and 33 bears South 0°07'52" West, 373.61 feet distant);

Thence North 00°07'52" East, 758.48 feet on the north-south mid-section line of said Section 28;

Thence leaving said mid-section line, South 50°25'42" East, 167.89 feet;

Thence South 49°42'49" East, 58.00 feet;

Thence South 56°20'26" East, 282.00 feet;

Thence South 65°23'34" East, 118.00 feet;

Thence South 66°10'30" East, 180.00 feet;

Thence South 54°07'38" East, 120.00 feet;

Thence South 44°59'56" East, 210.00 feet;

Thence South 41°27'23" East, 204.00 feet;

Thence South 52°29'04" East, 322.00 feet;

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Thence South 55°36'34" East, 420.65 feet;

Thence South 36°51'01" East, 88.00 feet;

Thence South 55°02'25" East, 132.00 feet;

Thence South 48°55'33" East, 281.00 feet;

Thence South 09°08'11" West, 100.00 feet;

Thence South 11°20'52" East, 130.00 feet;

Thence South 28°50'33" East, 174.00 feet;

Thence South 04°02'01" West, 60.00 feet;

Thence South 09°40'43" East, 80.00 feet;

Thence South 02°27'04" East, 107.00 feet;

Thence South 18°20'06" East, 46.00 feet;

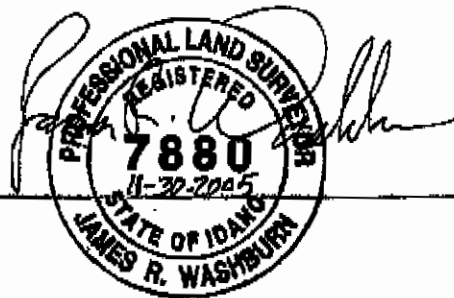
Thence South 04°14'25" West, 92.00 feet;

Thence South 19°45'40" East, 60.00 feet;

Thence South 35°32'30" East, 86.00 feet;

Thence South 48°09'33" East, 68.00 feet to the real point of beginning. Said parcel contains 39.64 acres more or less.

PREPARED BY:  
Engineering North West, LLC



James R. Washburn, PLS

**EXHIBIT C**  
**Permitted Exceptions**

## COMMITMENT FOR TITLE INSURANCE

Order No.: 5000630252AK

### SCHEDULE B - SECTION 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.

B. General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
  2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
  3. Easements, or claims of easements, not shown by the public records.
  4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
  5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
  6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
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C. Special Exceptions:

1. General Taxes for the year 2006, a Lien, but not yet due and payable.
2. General Taxes for the year 2005, a Lien, the first half is paid and the second half is due and payable on or before June 20, 2006.  
Parcel No.: 01-6 S0928314900.  
In the original amount of: \$6,717.98.  
Affects: Parcel 1
3. General Taxes for the year 2005, a Lien, the first half is paid and the second half is due and payable on or before June 20, 2006.  
Parcel No.: 170 S0928430000.  
In the original amount of: \$34.14.  
Affects: Portion of Parcel 2 and other property

4. General Taxes for the year 2005, a Lien, the first half is paid and the second half is due and payable on or before June 20, 2006.  
Parcel No.: 55 S0933110060.  
In the original amount of: \$23.34.  
Affects: Remainder of Parcel 2 and other property
5. Liens, levies and assessments of the City of Boise.  
Affects: Parcel 1
6. Liens, levies and assessments of the County of Ada.  
Affects: Parcel 2
7. Levies and assessments of the Boise Kuna Irrigation District, and the rights, powers and easements of said district as by law provided.
8. Ditch, road and public utility easements as the same may exist over said premises.
9. Right-of-way for the Penitentiary Canal as conveyed to the United States of America by Warranty Deed:  
Recorded: August 26, 1910.  
Book: 79 of Deeds.  
Page: 450, of Official Records.  
Affects: Parcel 1
10. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted to: Idaho Power Company, a corporation.  
Purpose: Public Utilities.  
Recorded: July 31, 1948.  
Instrument No.: 278032, of Official Records.  
Affects: That portion of Parcel 2 in Section 33

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11. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted to: Idaho Power Company.  
Purpose: Public Utilities.  
Recorded: July 31, 1948.  
Instrument No.: 278033, of Official Records.  
Affects: That portion of Parcel 1 in Lot 1 in Section 28
12. An easement for the purpose shown below and rights incidental thereto as set forth in a document:  
Granted to: Riverland Terrace Non-Profit Water Corporation.  
Purpose: Drill, construct, and maintain a well.  
Recorded: July 18, 1990.  
Instrument No.: 9037941, of Official Records.  
Affects: Parcel 1
13. An easement for the purpose shown below and rights incidental thereto as set forth in a document:  
Granted to: Phil Ferguson and Barbara J. Ferguson, husband and wife.  
And: Duane Rupnow and Delores A. Rupnow, husband and wife.  
Purpose: Ingress and Egress.  
Recorded: April 2, 1999.  
Instrument No.: 99032614, of Official Records.  
Affects: Parcel 1

14. Rights, interests, or claims which may exist or arise by reason of fact(s) shown on a survey plat entitled Record of Survey for Brighton Corporation.  
Prepared by: J-U-B Engineers.  
Recorded: April 16, 1999.  
Instrument No.: 99037099, of Official Records.  
Affects: Parcel 1
15. An easement for the purpose shown below and rights incidental thereto as set forth in a document:  
Granted to: Boise City.  
Purpose: Avigation Easements.  
Recorded: November 1, 1999.  
Instrument No.: 99106426, of Official Records.  
Affects: Parcel 1
16. Agreement, and the terms and conditions contained therein:  
Between: City of Boise City.  
And: Brighton Corporation.  
Purpose: Development Agreement  
Recorded: February 2, 2000 and July 7, 2000.  
Instrument No.: 100008438 and 100052867, of Official Records.  
Affects: Parcel 1
17. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein:  
Lessor: Not Disclosed.  
Lessee: Western PCS II.  
Disclosed by: Record of Survey No. 4927.  
Recorded: March 27, 2000.  
Instrument No.: 100022749 of Official Records.  
Affects: Parcel 1

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END OF SCHEDULE B

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Countersigned at: Boise, ID  
Alliance Title & Escrow Corp.

  
Authorized Officer of Alliance Title & Escrow Corp.

After Recording  
Return to:

Christopher J. Beeson  
801 West Bannock Street  
Boise, ID 83702

FOR RECORDING INFORMATION

AT-500052992

**WARRANTY DEED**  
**(Harris Ranch East Parcel)**

FOR VALUE RECEIVED, Harris Family Limited Partnership, an Idaho limited partnership, "Grantor," does hereby grant, bargain, sell and convey unto Brighton Investments, LLC, an Idaho limited liability company, "Grantee," whose address is 12601 West Explorer Drive, Suite 200, Boise, Idaho 83713, the real property, located in Ada County, Idaho, more particularly described on **Exhibit A**, attached hereto and made a part hereof, hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the Premises, with their appurtenances unto the Grantee, its heirs, successors and assigns forever; provided, however, any and all water and water rights, ditch and ditch rights, water storage and water storage rights shall be reserved to Grantor and shall not be granted, bargained, sold or conveyed to Grantee. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee simple of the Premises; that the Premises are free from all liens, claims and encumbrances except as set forth on **Exhibit B**, attached hereto and made a part hereof, and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned, being the general partner of Harris Family Limited Partnership, has caused its name to be hereunto subscribed this 1 day of Jan, 2006.

Harris Family Limited Partnership, an Idaho  
limited partnership

Harris Family Limited Partnership, an Idaho  
limited partnership

By: Harris Management Company, LLC,  
Its General Partner

By: Harris Management Company, LLC,  
Its General Partner

MEMBERS:

Brian R. Harris

Brian R. Harris  
Class A

Mildred H. Davis

Mildred H. Davis  
Class B

Felicia H. Burkhalter

Felicia H. Burkhalter  
Class C

Alta M. Harris

Alta M. Harris  
Class D

MANAGERS:

Brian R. Harris

Brian R. Harris  
Class A Manager

Mildred H. Davis

Mildred H. Davis  
Class B Manager

Felicia H. Burkhalter

Felicia H. Burkhalter  
Class C Manager

Alta M. Harris

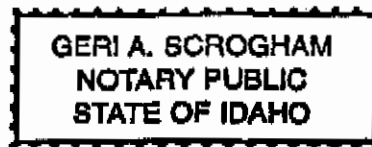
Alta M. Harris  
Class D Manager

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 17<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian R. Harris, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

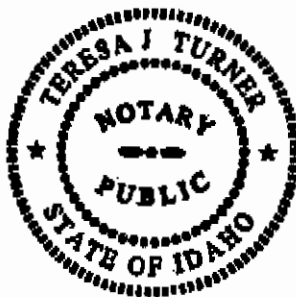
Gerie A. Scrogham  
Notary Public for Idaho  
Residing at Boise  
My commission expires: 12-15-06



STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 17<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred H. Davis, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Teresa J. Turner  
Notary Public for Idaho  
Residing at Mandary ID  
My commission expires: 4/1/06



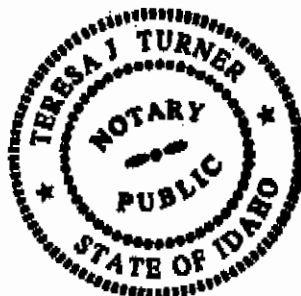
STATE OF IDAHO

County of Ada

ss.

On this 17<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Felicia H. Burkhalter, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Teresa J. Turner  
Notary Public for Idaho  
Residing at Meridian ID  
My commission expires: 4/1/06

STATE OF IDAHO

County of Ada

ss.

On this 17<sup>th</sup> day of January, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Alta M. Harris, known or identified to me to be a Member and Manager of Harris Management Company, LLC, the General Partner of Harris Family Limited Partnership, the limited partnership that executed the instrument or the person who executed the instrument for the General Partner on behalf of said limited partnership, and acknowledged to me that such limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Gerri A. Scroggiam  
Notary Public for Idaho  
Residing at Boise  
My commission expires: 12-19-06

GERI A. SCROGHAM  
NOTARY PUBLIC  
STATE OF IDAHO

**EXHIBIT A**  
**Harris Ranch East Parcel - Legal Description**

## ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 05-043-01

Date: January 23, 2006

### **HARRIS RANCH EAST 43 ACRE PARCEL - WEST HALF DESCRIPTION**

A parcel of land located in the East 1/2 of Section 29, and the West 1/2 of Section 28 of T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 19, 20, 29 and 30 of said T. 3 N., R. 3 E.;

Thence South 89°24'07" East, 5300.35 feet on the section line common to said Sections 21 and 28 to the section corner common to Sections 20, 21, 28 and 29, of said T. 3 N., R. 3 E.;

Thence South 00°04'29" East, 2612.79 feet (formerly described as South 00°04'44" East, 2612.90 feet) on the section line common to said Sections 28 and 29 to the 1/4 section corner common to said Sections 28 and 29;

Thence South 00°55'05" West, 719.58 feet (formerly described as South 00°55'05" West 719.16 feet) on the section line common to said Sections 28 and 29 to a point on the northerly right-of-way line of East Warm Springs Avenue (formerly State Highway 21), said point being  
**the REAL POINT OF BEGINNING;**

Thence leaving said section line, North 51°17' 49" West, 461.96 feet on the northerly right-of-way line of said East Warm Springs Avenue to a point on the easterly boundary line of Golden Dawn Mobile Home Subdivision Unit No. 1, as same is shown on the plat thereof recorded in Book 22 of Plats at Page 1418 of Ada County Records;

Thence leaving said northerly right-of-way line, North 38°47' 03" East, 986.33 feet (formerly described as North 38°26' 50" East) on the easterly boundary line of Golden Dawn Mobile Home Subdivision Unit No. 1, 2 and 3 to the southwesterly corner of that triangular shaped parcel of land described in the first section of Warranty Deed Instrument Number 8751249 of Ada County Records;

Thence leaving said Golden Dawn Mobile Home Subdivision Unit No. 3, North 85°21'00" East, 121.78 feet (formerly described as North 84°47'20" East, 122.27 feet) on the southerly boundary line of said Warranty Deed Parcel to an angle point on the southerly boundary line of Barberton Subdivision No. 2, as same is shown on the Plat thereof recorded in Book 50 of Plats at Page 4080 of Ada County Records;

Thence North 85°05'15" East, 225.18 feet (formerly described as North 84°56'30" East, 224.60 feet) on the southerly boundary line of said Barberton Subdivision No. 2 to the southeasterly most corner of Lot 10, Block 4 of said Barberton Subdivision No. 2;

Thence leaving said Barberton Subdivision No. 2, South 64°36'47" East, 362.81 feet (formerly described as South 64°37'47" East) on the southerly boundary line of that parcel of land as described in that Quitclaim Deed Instrument Number 105135285 of Ada County Records;

Thence leaving said southerly boundary line, South 24°36'12" West, 1315.85 feet to a point of curve on the northerly right-of-way line of East Warm Springs Avenue, as same is shown on Record-of-Survey Number 4593 of Ada County Records;

Thence 269.28 feet on the arc of a curve to the right, said curve having a radius of 1106.00 feet, a central angle of 13°57'00" and a chord distance of 268.62 feet which bears North 58°16'19" West on said northerly right-of-way line;

Thence North 51°17'49" West, 197.99 feet (formerly described as 198.13 feet) on said northerly right-of-way line to the real point of beginning. Said parcel contains 21.54 acres more or less.

---

**PREPARED BY:**  
**Engineering NorthWest, LLC**



**James R. Washburn, PLS**

**EXHIBIT B**  
**Permitted Exceptions**

3. General Taxes for the year 2006, a Lien, but not yet due and payable.
4. Liens, levies and assessments of the City of Boise.
5. Levies and assessments of the Boise Kuna Irrigation District, and the rights, powers and easements of said district as by law provided.
6. Rights of the United States of America in and to that portion of the herein described premises lying within the Penitentiary Canal.
7. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: American Telephone and Telephone and Telegraph Company of Wyoming.  
Purpose: Communication System.  
Recorded: October 1, 1941.  
Book: 17 of Miscellaneous.  
Page: 473, of Official Records.  
Affects: Parcel A and other property.

**Assignment**

In favor of: The Mountain States Telephone and Telegraph Company, a Colorado corporation.  
Recorded: April 29, 1974.  
Instrument No.: 883372, of Official Records.

8. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: American Telephone and Telegraph Company of Wyoming.  
Purpose: Communication System.  
Recorded: October 27, 1941.  
Book: 17 of Miscellaneous.  
Page: 546, of Official Records.  
Affects: Parcel A and other property.

---

**Assignment**

In favor of: The Mountain States Telephone and Telegraph Company, a Colorado corporation.  
Recorded: April 29, 1974.  
Instrument No.: 883372, of Official Records.

9. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted to: Idaho Power Company.  
Purpose: Public Utilities.  
Recorded: August 8, 1963.  
Instrument No.: 562926, of Official Records.  
Affects: Parcel A and other property.
10. Rights, interests, or claims which may exist or arise by reason of fact(s) shown on a survey plat entitled Survey for Bureau of Reclamation.  
Dated: March 1979.  
Prepared by: J-U-B Engineers, Inc.  
Recorded: June 27, 1979.  
Instrument No.: 7935070, of Official Records.

11. Agreement, and the terms and conditions contained therein:

Between: City of Boise City.

And: Alliance Title & Escrow Corp., Harris Family Ranch, LLP, Felicia Burkhalter, Millie H. Davis, Randy Harris, Gary Dallas Harris, and Barber Mill Company, Inc.

Purpose: Development Agreement

Recorded: June 23, 1998.

Instrument No.: 98060486, of Official Records.

First Modification to Development Agreement

Recorded: September 20, 2000.

Instrument No.: 100075115, of Official Records.

---

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 12/28/06 11:28 AM  
DEPUTY Gail Rayen  
RECORDED - REQUEST OF  
Evans Keane

AMOUNT 30.00 10

106201409

Recording requested by and  
When recorded return to:  
Boise City  
Department of Parks & Recreation,  
Post Office Box 500, Boise, Idaho 83701.

**DEED OF GIFT**  
**CORRECTION DEED**

THIS Deed of Gift Correction Deed, made this 28<sup>th</sup> day of December, 2006 between BARBER MILL COMPANY, an Idaho corporation ("Grantor") and BOISE CITY, an Idaho municipal corporation ("Grantee"), whose address is P.O. Box 500, Boise, Idaho 83701, relates back to and corrects the legal description identified as Exhibit 1 in that certain Deed of Gift, dated November 22, 2005, and recorded on February 28, 2006 in the real property records of Ada County, Idaho as Instrument No. 106030880 (the "Deed of Gift"). Except for the revision to Exhibit 1 to correct an inaccuracy in the legal description, the terms and conditions of the Deed of Gift remain unmodified and in full force and effect.

Exhibit 1 of the Deed of Gift, as corrected, is attached as Exhibit 1 and incorporated herein by reference.

IN WITNESS WHEREOF, this Deed of Gift Correction Deed has been duly executed by the Grantor the day and year herein first above written.


Barber Mill Company, an Idaho corporation

  
By: Larry Williams  
Its: President

On behalf of the Grantee City of Boise, I have reviewed the foregoing Correction Deed and accept the revised description of the real property conveyed to the City of Boise by and through the original Deed of Gift referred to herein and previously recorded in the records of Ada County as Instrument No. 106030880 subject to all the terms and conditions as originally set forth in said Deed of Gift.

ATTEST:

  
David H. Bleter  
Mayor

  
Annetta P. Mooney  
City Clerk



STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 28 day of December, 2006, before me, a Notary Public in and for said state, personally appeared David H. Bieter and Annette P. Mooney known to me to be the Mayor and City Clerk of Boise City, Idaho, who executed the within instrument, and acknowledged to me that Boise City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Debbie Rice  
NOTARY PUBLIC FOR IDAHO  
Residing at Nampa, ID  
My Commission Expires: 6/16/2012

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 29 day of December, 2006, before me, a Notary Public, personally appeared Larry Williams, known or identified to me to be the president of Barber Mill Company, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Julie Harrison  
NOTARY PUBLIC FOR IDAHO  
Residing at Boise  
My Commission Expires: 03/08/2012

EXHIBIT I  
DESCRIPTION OF SUBJECT PROPERTY

## ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180  
5556

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-

Project No. 05-043-02

Date: December 18, 2006

### **BARBER MILL COMPANY PARKS PARCELS DESCRIPTION (REVISED)**

#### **PARCELA**

A parcel of land located in the South 1/2 of Section 19 and the North 1/2 of Section 30, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 Section corner common to Sections 20 and 29 of said T. 3 N., R. 3 E.;

Thence North 89°51'03" West, 2657.52 feet on the section line common to said Sections 20 and 29 to the Section corner common to Sections 19, 20, 29 and 30 of said T. 3 N., R. 3 E.;

Thence North 83°35'15" West, 4597.21 feet to a point on the southerly boundary line of that parcel of land as shown on Record-of-Survey Number 1053 of Ada County Records, said point being on the right bank of the Boise River, (from which point an angle point in the southerly boundary line of said Record-of-Survey Parcel bears North 41°34'32" West, 211.24 feet distant), said point also being the **REAL POINT OF BEGINNING**;

Thence leaving said southerly boundary line and River Bank, North 86°24'54" East, 114.17 feet;

Thence North 47°51'27" East, 307.07 feet;

Thence North 57°13'44" East, 18.86 feet;

Thence South 31°32'27" East, 111.92 feet;

Thence South 72°16'46" East, 223.29 feet;

Thence South 83°54'11" East, 120.58 feet;

Thence South 44°54'03" East, 310.25 feet;

Thence South 60°38'06" East, 212.76 feet;

Thence South 57°14'12" East, 278.85 feet;

Thence South 47°39'07" East, 235.75 feet;

Thence South 34°07'46" East, 284.60 feet;

Thence South 29°14'17" East, 273.27 feet;

Thence South 53°20'14" East, 256.25 feet;

Thence North 33°48'35" East, 361.47 feet to a point of curve;

Thence 141.51 feet on the arc of a curve to the left, said curve having a radius of 361.24 feet, a central angle of 22°26'41" and a chord distance of 140.61 feet which bears South 79°45'56" East;

Thence North 89°02'42" East, 103.53 feet;

Thence North 00°41'11" West, 250.53 feet;

Thence North 57°34'00" West, 113.31 feet;

Thence North 27°50'40" West, 98.26 feet;

Thence North 39°10'46" West, 50.20 feet;

Thence North 33°06'35" West, 215.15 feet;

Thence North 15°39'32" West, 570.34 feet;

Thence North 47°34'36" West, 261.55 feet;

Thence North 79°27'49" West, 449.91 feet;

Thence North 45°00'44" West, 89.02 feet;

Thence North 81°37'24" West, 388.28 feet to a point of curve;

Thence 429.43 feet on the arc of a curve to the right, said curve having a radius of 960.00 feet, a central angle of 25°37'46" and a chord distance of 425.86 feet which bears North 73°05'20" East to a point of compound curve on the northerly boundary line of said Record-of-Survey Number 1053 Parcel;

Thence 414.89 feet on the arc of a non-tangent curve to the right, said curve having a radius of 1498.53 feet, a central angle of 15°51'47" and a chord distance of 413.56 feet which bears South 74°43'30" East on said northerly boundary line of said Record-of-Survey Parcel;

Thence South 65°06'01" East, 132.81 feet on said northerly boundary line;

Thence South 64°16'30" East, 292.71 feet on said northerly boundary line;

Thence leaving said northerly boundary line, South 26°02'21" West, 90.26 feet;

Thence South 30°03'06" East, 190.57 feet;

Thence South 24°10'20" East, 602.51 feet;

Thence South 22°36'31" East, 60.00 feet;

Thence South 24°34'19" East, 121.38 feet;

Thence South 64°16'15" East, 220.14 feet to a point on the exterior boundary line of that parcel of land as shown on said Record-of-Survey Number 1053 (from which point the northeast most corner of said Record-of-Survey Parcel bears North 25°22'28" East, 703.01 feet distant);

Thence on the exterior boundary line of said parcel of land shown on Record-of-Survey Number 1053 for the following courses and distances:

Thence South 25°22'28" West, 38.37 feet;

Thence South 82°34'44" East, 49.70 feet;

Thence South 44°43'59" East, 166.73 feet;

Thence South 37°09'59" East, 326.62 feet;

Thence South 39°35'06" East, 263.13 feet;

Thence South 53°23'36" East, 166.87 feet;

Thence South 32°11'22" East, 265.87 feet (formerly described as South 32°14'51" East);

Thence South 25°41'13" East, 547.02 feet (formerly described as South 25°40'01" East, 547.31 feet);

Thence North 69°36'25" West, 314.97 feet (formerly described as North 68°31'24" West, 317.37 feet);

Thence South 86°35'55" West, 454.45 feet (formerly described as South 85°51'30" West, 455.06 feet);

Thence South 62°13'49" West, 782.45 feet (formerly described as South 62°14'49" West, 782.92 feet);

Thence North 86°47'53" West, 167.24 feet (formerly described as North 86°37'37" West, 166.87 feet);

Thence North 76°14'17" West, 124.97 feet (formerly described as North 76°21'13" West);

Thence North 51°40'46" West, 88.59 feet (formerly described as North 51°40'46" West);

Thence North 24°35'07" West, 240.05 feet (formerly described as North 24°33'09" West, 240.04 feet);

Thence North 04°43'32" East, 381.58 feet (formerly described as North 04°48'56" East);

Thence North 32°43'31" West, 193.50 feet (formerly described as North 32°51'55" West);

Thence North 13°36'59" West, 207.01 feet (formerly described as North 13°37'58" West, 207.28 feet);

Thence North 34°15'46" West, 240.13 feet;

Thence North 20°37'38" West, 316.77 feet;

Thence North 40°37'22" West, 206.20 feet (formerly described as North 40°41'02" West);

Thence North 57°48'40" West, 400.69 feet (formerly described as North 57°47'22" West, 400.74 feet);

Thence North 79°59'43" West, 285.47 feet (formerly described as North 79°58'08" West, 285.40 feet);

Thence North 74°23'07" West, 467.90 feet;

Thence North 58°58'44" West, 222.24 feet;

Thence North 41°34'52" West, 156.00 feet to the real point of beginning. Said parcel contains 66.70 acres more or less.

**ALSO INCLUDING:**

**PARCEL B**

A parcel of land located in the South 1/2 of Section 19, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 Section corner common to Sections 20 and 29 of said T. 3 N., R. 3 E.;

Thence North  $89^{\circ}51'03''$  West, 2657.52 feet on the section line common to said Sections 20 and 29 to the Section corner common to Sections 19, 20, 29 and 30 of said T. 3 N., R. 3 E.;

Thence North  $83^{\circ}35'15''$  West, 4597.21 feet to a point on the southerly property line of that parcel of land as shown on Record-of-Survey Number 1053 of Ada County Records, said point being on the right bank of the Boise River;

Thence North  $41^{\circ}34'52''$  West, 211.24 feet on the exterior boundary line of that parcel of land as shown on said Record-of-Survey Number 1053;

Thence North  $12^{\circ}46'57''$  West, 43.07 feet on the exterior boundary line of said Record-of-Survey Parcel to the **REAL POINT OF BEGINNING**;

Thence on the exterior boundary line of said Record-of-Survey Number 1053 Parcel for the following courses and distances:

Thence North  $12^{\circ}46'57''$  West, 220.96 feet;

Thence North  $40^{\circ}32'42''$  East, 541.04 feet (formerly described as North  $40^{\circ}332'07''$  East, 541.81 feet);

Thence South  $89^{\circ}52'06''$  East, 78.51 feet;

Thence North  $13^{\circ}47'18''$  East, 15.70 feet to a point of curve;

Thence 301.71 feet on the arc of a curve to the left, said curve having a radius of 1194.30 feet, a central angle of  $14^{\circ}28'27''$  and a chord distance of 300.90 feet which bears South  $85^{\circ}18'38''$  East;

Thence South  $24^{\circ}40'24''$  East, 55.90 feet;

Thence South  $88^{\circ}06'30''$  East, 329.39 feet;

Thence leaving the exterior boundary line of said Record-of-Survey Parcel, South  $58^{\circ}41'14''$  West, 345.19 feet;

Thence North  $32^{\circ}10'43''$  West, 97.35 feet to a point of curve;

Thence 100.87 feet on the arc of a curve to the left, said curve having a radius of 125.00 feet, a central angle of  $46^{\circ}14'30''$  and a chord distance of 98.17 feet which bears North  $55^{\circ}17'58''$  West;

Thence North 78°25'13" West, 181.36 feet;

Thence North 85°54'07" West, 103.54 feet;

Thence South 43°34'21" West, 267.81 feet;

Thence South 00°20'51" West, 173.90 feet;

Thence South 38°45'41" East, 106.15 feet;

Thence South 62°54'04" West, 235.79 feet to the real point of beginning. Said parcel contains 3.26 acres more or less.

**PREPARED BY:**  
**Engineering NorthWest, LLC**



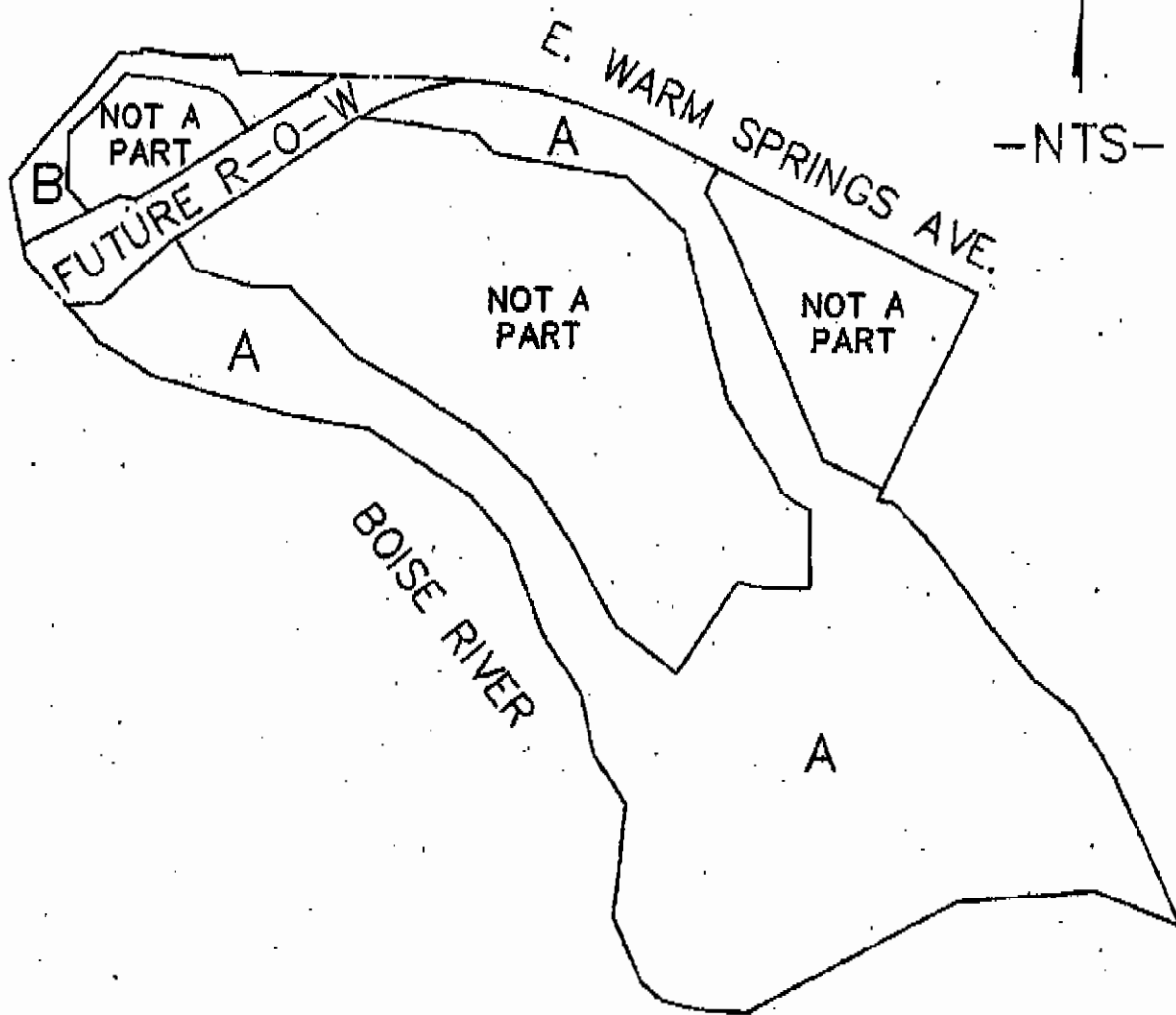
**James R. Washburn, PLS**



# EXHIBIT 'B'



-NTS-



Page 24 of 26

**Exhibit 5**  
**Partial Release of Development Agreement**

*After Recording Please Return to:*

Deborah E. Nelson  
Givens Pursley LLP  
P.O. Box 2720  
Boise, ID 83701  
208-388-1200  
[den@givenspursley.com](mailto:den@givenspursley.com)

### PARTIAL RELEASE OF DEVELOPMENT AGREEMENT

This PARTIAL RELEASE OF DEVELOPMENT AGREEMENT ("Partial Release") is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2008, by and between BRIGHTON INVESTMENTS, LLC, an Idaho limited liability company; BARBER MILL INVESTMENTS, LLC, an Idaho limited liability company; and MARTOM GROUP, LLC, an Idaho limited liability company (collectively, "Owners") and the CITY OF BOISE CITY, an Idaho municipal corporation ("City").

### RECITALS

A. On June 4, 1998, the City and Alliance Title & Escrow Corp., Harris Family Ranch LLP, Felicia Burkhalter, Millie H. Davis, Randy Harris, Gary Dallas Harris, and Barber Mill Company, Inc. (collectively, the "Developer") entered into that certain *Development Agreement for Harris Ranch Planned Community A-199, ZO 2-97, and CU-17-97*, recorded in the records of Ada County, Idaho on June 23, 1998, as Instrument Number 98060486, as modified by that certain *First Modification to Development Agreement*, recorded on September 20, 2000, as Instrument Number 100075115 (collectively, "Development Agreement").

B. On \_\_\_\_\_, 2008 the City adopted the Barber Valley Specific Plan District ("SP02 District") by Ordinance No. \_\_\_\_\_, recorded \_\_\_\_\_, 2008, in the records of Ada County, Idaho, as Instrument No. \_\_\_\_\_ ("SP02 District"), which applies to the property legally described in Exhibit A attached hereto and incorporated herein by reference ("SP02 Property").

C. The Owners, collectively, own the SP02 Property and succeeded to the interests of the Developer as to the SP02 Property.

D. Because the SP02 Property is now subject to the SP02 District, the parties desire to release the SP02 Property from the terms and provisions of the Development Agreement.

NOW, THEREFORE, for and in consideration of the recitals above, which are incorporated below, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:



### PARTIAL RELEASE OF DEVELOPMENT AGREEMENT - 1

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## **AGREEMENT**

1. The SP02 Property described in Exhibit A hereto is hereby released in all respects from the terms and provisions of the Development Agreement, and the Development Agreement is no longer of any force or effect with respect to the SP02 Property.

2. All property described in the Development Agreement that is not included in the SP02 Property shall remain subject to the Development Agreement, and the Development Agreement shall remain in full force and effect with respect to such remaining property until the terms and provisions of the Development Agreement are completed and fulfilled in their entirety.

IN WITNESS WHEREOF, the parties hereto, having been duly authorized and intending to be legally bound hereby, have caused this Partial Release to be duly executed the day and year first above written.

[Signature pages (4 pages) and Exhibit A (20 pages) follow]

COPY

CITY OF BOISE CITY, an Idaho municipal corporation

By: \_\_\_\_\_  
David H. Bieter, Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

State of Idaho            )  
                                  ) ss.  
County of Ada            )

On this \_\_\_\_ day of \_\_\_\_\_, 2008, before me, a Notary Public in and for said State, personally appeared David Bieter and \_\_\_\_\_, known or identified to me to be the Mayor of the City of Boise and the City Clerk of the City of Boise, whose names are subscribed to the foregoing instrument and acknowledged to me that they have the authority to execute the within instrument and executed the same for the purposes therein contained on behalf of the City of Boise.

IN THE WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
Commission Expires \_\_\_\_\_

**PARTIAL RELEASE OF DEVELOPMENT AGREEMENT - 3**

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BRIGHTON INVESTMENTS, LLC, an Idaho limited liability company

By: David W. Turnbull  
David W. Turnbull, Member

State of Idaho                    )  
  ) ss.  
County of Ada                    )

On this 20th day of February, 2008, before me, a Notary Public in and for said State, personally appeared David W. Turnbull, known or identified to me to be a Member of BRIGHTON INVESTMENTS, LLC, the limited liability company that executed the within instrument and acknowledged to me that he executed the instrument in such capacity on behalf of the limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Rebecca A. Hanks  
Notary Public for Idaho  
Residing at Bozeman  
Commission Expires 12-4-2011

BARBER MILL INVESTMENTS, LLC, an Idaho limited liability company

By: Brighton Investments, LLC, Member

By: David W. Turnbull

David W. Turnbull, Member

State of Idaho )

) ss.

County of Ada )

On this 20<sup>th</sup> day of February, 2008, before me, a Notary Public in and for said State, personally appeared David W. Turnbull, known or identified to me to be a Member of BRIGHTON INVESTMENTS, LLC, the limited liability company, which is known or identified to me to be a Member of BARBER MILL INVESTMENTS, LLC, the Idaho limited liability company that executed the within instrument, and acknowledged to me that he executed the instrument in such capacity on behalf of the limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Rebecca A. Hanks  
Notary Public for Idaho

Residing at Meridian

Commission Expires 10.6.2011

MARTOM GROUP, LLC, an California limited liability company

By: Thomas W. Tomlinson  
Thomas W. Tomlinson, Managing Member

State of Idaho )  
County of Ada ) ss.

On this 21st day of February, 2008, before me, a Notary Public in and for said State, personally appeared Thomas W. Tomlinson, known or identified to me to be the Managing Member of MARTOM GROUP, LLC, a California limited liability company that executed the within instrument, and acknowledged to me that he executed the instrument in such capacity as the Managing Member of the Martom Group limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Rebecca A. Hanks  
Notary Public for Idaho  
Residing at Meridian  
Commission Expires 10.6.2011



**EXHIBIT A**

**Legal Description of SP02 Property**

(Attached – 20 pages)

COPY

## ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 06-051-01

Date: June 21, 2007

### **MILL DISTRICT - EAST SPECIFIC PLAN (SP02) DESCRIPTION**

A parcel of land located in the East 1/2 of Section 29, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 20, 21, 28 and 29, of said T. 3 N., R. 3 E.;

Thence South  $00^{\circ}04'44''$  East, 2612.90 feet on the section line common to said Sections 28 and 29 to the 1/4 section corner common to said Sections 28 and 29;

Thence South  $00^{\circ}55'05''$  West, 829.29 feet;

Thence North  $51^{\circ}17'49''$  West, 595.58 feet to a point on the southerly right-of-way line of East Warm Springs Avenue, said point being the **REAL POINT OF BEGINNING**;

Thence South  $38^{\circ}51'14''$  West, 465.17 feet to a point of curve;

Thence 78.53 feet on the arc of a curve to the right, said curve having a radius of 200.00 feet, a central angle of  $22^{\circ}29'54''$  and a chord distance of 78.03 feet which bears South  $50^{\circ}06'11''$  West;

Thence South  $61^{\circ}21'07''$  West, 19.85 feet to a point of curve;

Thence 22.28 feet on the arc of a curve to the right, said curve having a radius of 20.00 feet, a central angle of  $63^{\circ}49'15''$  and a chord distance of 21.14 feet which bears North  $86^{\circ}44'15''$  West to a point of reverse curve;

Thence 91.21 feet on the arc of a curve to the left, said curve having a radius of 82.00 feet, a central angle of  $63^{\circ}43'57''$  and a chord distance of 86.58 feet which bears North  $86^{\circ}41'35''$  West to a point of reverse curve;

Thence 21.37 feet on the arc of a curve to the right, said curve having a radius of 20.00 feet, a central angle of  $61^{\circ}13'13''$  and a chord distance of 20.37 feet which bears North  $87^{\circ}56'57''$  West to a point of reverse curve;

Thence 93.43 feet on the arc of a curve to the left, said curve having a radius of 1000.00 feet, a central angle of  $05^{\circ}21'11''$  and a chord distance of 93.40 feet which bears North  $60^{\circ}00'56''$  West to a point on the exterior boundary line of Harris Ranch Subdivision No. 8;

Thence South  $27^{\circ}18'28''$  West, 25.00 feet on the exterior boundary line of Harris Ranch Subdivision No. 8 to a point of curve on the centerline of East Arrow Junction Drive;

Thence 113.62 feet on the arc of a curve to the left, said curve having a radius of 975.00 feet, a central angle of  $06^{\circ}40'36''$  and a chord distance of 113.55 feet which bears North  $66^{\circ}01'50''$  West on the centerline of East Arrow Junction Drive;

Thence leaving said centerline, North  $20^{\circ}37'52''$  East, 25.00 feet to a point on the exterior boundary line of Harris Ranch Subdivision No. 8;

Thence North  $17^{\circ}21'01''$  East, 145.21 feet on the exterior boundary line of Harris Ranch Subdivision No. 8 to a point of curve;

Thence 170.75 feet on the arc of a curve to the left, said curve having a radius of 1258.00 feet, a central angle of  $07^{\circ}46'37''$  and a chord distance of 170.62 feet which bears North  $75^{\circ}39'35''$  West on the exterior boundary line of Harris Ranch Subdivision No. 8;

Thence North  $79^{\circ}32'54''$  West, 50.81 feet to a point of curve on the exterior boundary line of Harris Ranch Subdivision No. 1, as same is recorded in Book 79 of Plats at Page 8416 of Ada County Records;

Thence on the easterly boundary line of said Harris Ranch Subdivision No. 1 for the following courses and distances:

Thence 58.90 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $42^{\circ}11'13''$  and a chord distance of 57.58 feet which bears North  $58^{\circ}27'18''$  West to a point of reverse curve;

Thence 62.99 feet on the arc of a curve to the left, said curve having a radius of 309.00 feet, a central angle of  $11^{\circ}40'44''$  and a chord distance of 62.88 feet which bears North  $43^{\circ}12'03''$  West to a point of reverse curve;

Thence 68.47 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $49^{\circ}02'25''$  and a chord distance of 66.40 feet which bears North  $24^{\circ}31'13''$  West;

Thence North  $00^{\circ}00'00''$  East, 163.05 feet to a point of curve;

Thence 29.15 feet on the arc of a curve to the right, said curve having a radius of 50.00 feet, a central angle of  $33^{\circ}24'32''$  and a chord distance of 28.74 feet which bears North  $16^{\circ}42'16''$  East to a point of reverse curve;

Thence 65.72 feet on the arc of a curve to the left, said curve having a radius of 70.00 feet, a central angle of  $53^{\circ}47'35''$  and a chord distance of 63.33 feet which bears North  $06^{\circ}30'45''$  East;

Thence North  $20^{\circ}23'02''$  West, 66.53 feet;

Thence leaving the easterly boundary line of said Harris Ranch Subdivision No. 1, North  $22^{\circ}47'01''$  West, 32.50 feet to a point on a curve on the centerline of South Council Spring Road;

Thence 221.45 feet on the arc of a curve to the left, said curve having a radius of 445.00 feet, a central angle of  $28^{\circ}30'48''$  and a chord distance of 219.18 feet which bears North  $52^{\circ}57'35''$  East on the centerline of South Council Spring Road;

Thence North  $38^{\circ}42'11''$  East, 176.31 feet on the centerline of South Council Spring Road to the intersection of East Warm Springs Avenue;

Thence South  $51^{\circ}17'49''$  East, 948.93 feet on the centerline of East Warm Springs Avenue;

Thence leaving said centerline, South  $38^{\circ}51'14''$  West, 40.00 feet to the real point of beginning. Said parcel contains 13.85 acres more or less.

PREPARED BY:  
Engineering North West, LLC



James R. Washburn, PLS





# ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 06-051-01

Date: June 20, 2007

## **MILL DISTRICT - WEST SPECIFIC PLAN (SP02) DESCRIPTION**

A parcel of land located in the E 1/2 of Section 29, T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the 1/4 section corner common to Sections 20 and 29 of said T. 3 N., R. 3 E.;

Thence South 00°29'29" West, 2896.86 feet on the north-south mid-section line of said Section 29;

Thence leaving said mid-section line, South 75°09'13" East, 96.38 feet to a point on the easterly right-of-way line of South Eckert Road, said point being the northeast most corner of Lot 22, Block 4 of Harris Ranch Subdivision No. 1, as same is shown on the plat thereof recorded in Book 79 of Plats at Page 8416, of Ada County Records, and being the **REAL POINT OF BEGINNING**;

Thence North 33°12'24" West, 31.09 feet to a point on a curve on the centerline of South Eckert Road;

Thence 149.53 feet on the arc of a curve to the left, said curve having a radius of 560.00 feet, a central angle of 15°17'55" and a chord distance of 149.08 feet which bears North 48°54'47" East;

Thence North 41°15'49" East, 450.59 feet to the centerline intersection of South Eckert Road and East Mill Station Drive;

Thence South 52°44'11" East, 192.09 feet on the centerline of East Mill Station Drive to a point of curve;

Thence 51.59 feet on the arc of a curve to the right, said curve having a radius of 200.00 feet, a central angle of 14°46'43" and a chord distance of 51.44 feet which bears South 45°20'49" East on the centerline of East Mill Station Drive to a point of reverse curve;

Thence 223.83 feet on the arc of a curve to the left, said curve having a radius of 445.00 feet, a central angle of 28°49'10" and a chord distance of 221.48 feet which bears South 52°22'03" East on said centerline;

Thence leaving the centerline of East Mill Station Drive, South 23°13'22" West, 32.50 feet;

Thence on the exterior boundary line of said Harris Ranch Subdivision No. 1 for the following courses and distances:

Thence South 22°01'22" West, 8.32 feet to a point of curve;

Thence 95.20 feet on the arc of a curve to the left, said curve having a radius of 100.00 feet, a central angle of 54°32'46" and a chord distance of 91.65 feet which bears South 05°15'01" East;

Thence South 32°31'24" East, 24.40 feet to a point of curve;

Thence 45.41 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of 32°31'24" and a chord distance of 44.80 feet which bears South 16°15'42" East;

Thence South 00°00'00" West, 153.18 feet to a point of curve;

Thence 62.83 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of 45°00'00" and a chord distance of 61.23 feet which bears South 22°30'00" West;

Thence South 45°00'00" West, 85.32 feet to a point of curve;

Thence 62.83 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of 45°00'00" and a chord distance of 61.23 feet which bears South 67°30'00" West;

Thence North 90°00'00" West, 195.70 feet to a point of curve;

Thence 31.96 feet on the arc of a curve to the right, said curve having a radius of 50.00 feet, a central angle of 36°37'17" and a chord distance of 31.42 feet which bears North 71°41'22" West to a point of reverse curve;

Thence 91.11 feet on the arc of a curve to the left, said curve having a radius of 220.00 feet, a central angle of 23°43'42" and a chord distance of 90.46 feet which bears North 65°14'34" West;

Thence North 10°49'39" East, 30.14 feet;

Thence North 79°10'21" West, 50.00 feet;

Thence South 10°49'39" West, 30.66 feet to a point of curve;

Thence 36.15 feet on the arc of a curve to the left, said curve having a radius of 120.00 feet, a central angle of 17°15'34" and a chord distance of 36.01 feet which bears North 89°04'23" West to a point of reverse curve;



Thence 55.76 feet on the arc of a curve to the right, said curve having a radius of 80.00 feet, a central angle of  $39^{\circ}56'01''$  and a chord distance of 54.64 feet which bears North  $77^{\circ}44'10''$  West to a point of compound curve;

Thence 86.60 feet on the arc of a curve to the right, said curve having a radius of 965.00 feet, a central angle of  $05^{\circ}08'31''$  and a chord distance of 86.58 feet which bears North  $55^{\circ}11'54''$  West to a point of compound curve;

Thence 78.72 feet on the arc of a curve to the right, said curve having a radius of 155.00 feet, a central angle of  $29^{\circ}05'55''$  and a chord distance of 77.88 feet which bears North  $38^{\circ}04'40''$  West;

Thence North  $23^{\circ}31'43''$  West, 80.85 feet;

Thence North  $33^{\circ}12'24''$  West, 65.53 feet to the real point of beginning. Said parcel contains 9.17 acres more or less.

COPY

PREPARED BY:  
Engineering NorthWest, LLC



James R. Washburn, PLS





## ***Engineering North West, LLC***

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 06-051-01

Date: June 18, 2007

### **THE TERRACE SPECIFIC PLAN (SP02) DESCRIPTION**

A parcel of land located in Section 28, and the NE 1/4 of the NE 1/4 of Section 33, of T. 3 N., R. 3 E., B.M., Boise, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 20, 21, 28 and 29 of said T. 3 N., R. 3 E.;

Thence South 00°04'29" East, 2580.47 feet (formerly described as South 00°04'44" East) on the section line common to said Sections 28 and 29 to a point on the easterly boundary line of Golden Dawn Mobile Home Subdivision Unit No. 2, as same is shown on the plat thereof recorded in Book 24 of Plats at Page 1526 of Ada County Records;

Thence South 38°47'03" West, 593.88 feet (formerly described as South 38°26'50" West) on the easterly boundary line of said Subdivision and the easterly boundary line of Golden Dawn Mobile Home Subdivision Unit No. 2, as same is shown on the plat thereof recorded in Book 22 of Plats at Page 1418 of Ada County Records, to a point on the northerly right-of-way line of East Warm Springs Avenue (formerly State Highway 21);

Thence South 51°17' 49" East, 659.95 feet on the northerly right-of-way line of East Warm Springs Avenue to a point of curve;

Thence 269.28 feet on the arc of a curve to the left, said curve having a radius of 1106.00 feet, a central angle of 13°57'00" and a chord distance of 268.62 feet which bears South 58°16'19" East on said northerly right-of-way line to the **REAL POINT OF BEGINNING**;

Thence North 24°36' 12" East, 1315.85 feet to a point on the southerly boundary line of Triplett Subdivision, as same is shown on the Plat thereof Recorded in Book 94 of Plats at Page 11491 of Ada County Records;

Thence South 64°36'47" East, 429.89 feet (formerly described as South 64°37'47" East) on the southerly boundary line of said Triplett Subdivision to an angle point on the southerly boundary line of said Subdivision;

Thence leaving said Subdivision Boundary line, South 00°02'08" West, 37.47 feet (formerly described as South 00°01'15" West, 37.41 feet) to the center-west 1/16th section corner of said Section 28;

Thence South 89°33'52" East, 15.38 feet (formerly described as South 89°34'45" East) on the east-west mid-section line of said Section 28 to the northeast corner of that parcel of land as shown on Record-of-Survey Number 4593 of Ada County Records;

Thence on the easterly boundary line of said parcel shown on Record-of-Survey Number 4593 for the following courses and distances:

Thence South 44°45'22" East 151.98 feet (formerly described as South 44°34'49" East, 151.81 feet);

Thence South 22°28'52" East, 333.99 feet;

Thence South 32°20'57" East, 522.37 feet;

Thence South 38°55'11" East, 243.92 feet;

Thence South 54°42'53" East, 358.74 feet;

Thence South 60°09'01" East, 379.76 feet to a point on the north-south mid-section line of said section 28;

Thence leaving said easterly boundary line and on the exterior boundary line of Parcel B as shown on Record-of-Survey Number 7738 of Ada County Records for the following courses and distances:

Thence leaving said mid-section line, South 50°25'42" East, 167.89 feet;

Thence South 49°42'49" East, 58.00 feet;

Thence South 56°20'26" East, 282.00 feet;

Thence South 65°23'34" East, 118.00 feet;

Thence South 66°10'30" East, 180.00 feet;

Thence South 54°07'38" East, 120.00 feet;

Thence South 44°59'56" East, 210.00 feet;

Thence South 41°27'23" East, 204.00 feet;

Thence South 52°29'04" East, 322.00 feet;

Thence South 55°36'34" East, 420.65 feet;

Thence South 36°51'01" East, 88.00 feet;

Thence South 55°02'25" East, 132.00 feet;  
Thence South 48°55'33" East, 281.00 feet;  
Thence South 09°08'11" West, 100.00 feet;  
Thence South 11°20'52" East, 130.00 feet;  
Thence South 28°50'33" East, 174.00 feet;  
Thence South 04°02'01" West, 60.00 feet;  
Thence South 09°40'43" East, 80.00 feet;  
Thence South 02°27'04" East, 107.00 feet;  
Thence South 18°20'06" East, 46.00 feet;  
Thence South 04°14'25" West, 92.00 feet;  
Thence South 19°45'40" East, 68.00 feet;  
Thence South 35°32'30" East, 86.00 feet;

Thence South 48°09'33" East, 68.00 feet to a point on the east-west 1/16th section line of the NE 1/4 of said Section 33;

Thence North 89°15'40" West, 802.63 feet on said east-west 1/16th section line of Section 33 to a point on a curve on the centerline of East Warm Springs Avenue (Old State Highway 21), (from which point the northeast 1/16th section corner of said Section 33 bears North 89°15'40" West, 168.60 feet distant);

Thence 397.83 feet on the arc of a curve to the left, said curve having a radius of 1076.47 feet, a central angle of 21°10'30" and a chord distance of 395.57 feet which bears North 24°27'01" West on the centerline of East Warm Springs Avenue to a point on the north-south 1/16th section line of the NE 1/4 of said Section 33;

Thence North 00°46'36" East, 965.94 feet (formerly described as North 00°25'44" East) on the north-south 1/16th section line of the NE 1/4 of said Section 33, which line is also the easterly boundary of Riverland Terrace Subdivision, as same is shown on the plat thereof recorded in Book 40 of Plats at Page 3343 of Ada County Records, to the East 1/16th section corner common to said Sections 28 and 33, said point also being the northeast corner of said Riverland Terrace Subdivision;

Thence North 89°03'30" West, 989.21 feet (formerly described as North 89°24'38" West) on the section line common to said Sections 28 and 33, which line is also the northerly boundary line of said Riverland Terrace Subdivision to a point on the centerline of East Warm Springs Avenue (Old State Highway 21), (from which point the 1/4 section corner common to said Sections 28 and 33 bears North 89°03'30" West, 332.85 feet distant);

Thence from said point on the centerline, North 45°45'50" West, 694.44 feet (formerly described as North 45°45'41" West) on the centerline of East Warm Springs Avenue to a point of curve;

Thence 654.26 feet on the arc of a curve to the left, said curve having a radius of 1910.00 feet, a central angle of 19°37'35" (formerly 19°39'), a chord distance of 651.07 feet which bears North 55°26'02" West on the centerline of East Warm Springs Avenue;

Thence North 65°14'49" West, 219.61 feet (formerly described as North 65°34' West) on said centerline;

Thence leaving said centerline, North 24°45'11" East, 40.00 feet to a point on the northeasterly boundary of a 100-foot wide strip of land deeded to the United States of America, recorded in Book 79 of Deeds at Page 450 of Ada County Records;

Thence North 33°40'00" West, 148.80 feet on said northeasterly boundary;

Thence North 21°44'21" East, 107.03 feet (formerly described as North 09°20' West) on said northeasterly boundary;

Thence South 89°57'17" West, 107.69 feet on the northerly boundary line of said 100-foot wide strip of land deeded to the United States of America;

Thence South 21°44'21" West, 119.57 feet on the northwesterly boundary line of said strip;

Thence South 33°40'00" East, 137.84 feet on the northwesterly boundary line of said strip to a point on the northerly right-of-way of East Warm Springs Avenue;

Thence South 24°45'11" West, 40.00 feet to a point on the centerline of East Warm Springs Avenue;

Thence North 65°14'49" West, 1301.25 feet to a point of curve;

Thence leaving said centerline, North 24°45'11" East, 40.00 feet to the real point of beginning. Said parcel contains 89.88 acres more or less.



PREPARED BY:  
Engineering NorthWest, LLC

James R. Washburn, PLS









SP02—Barber Station Legal  
Exhibit B1

A portion of Sections 19 and 30, Township 3 North, Range 3 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

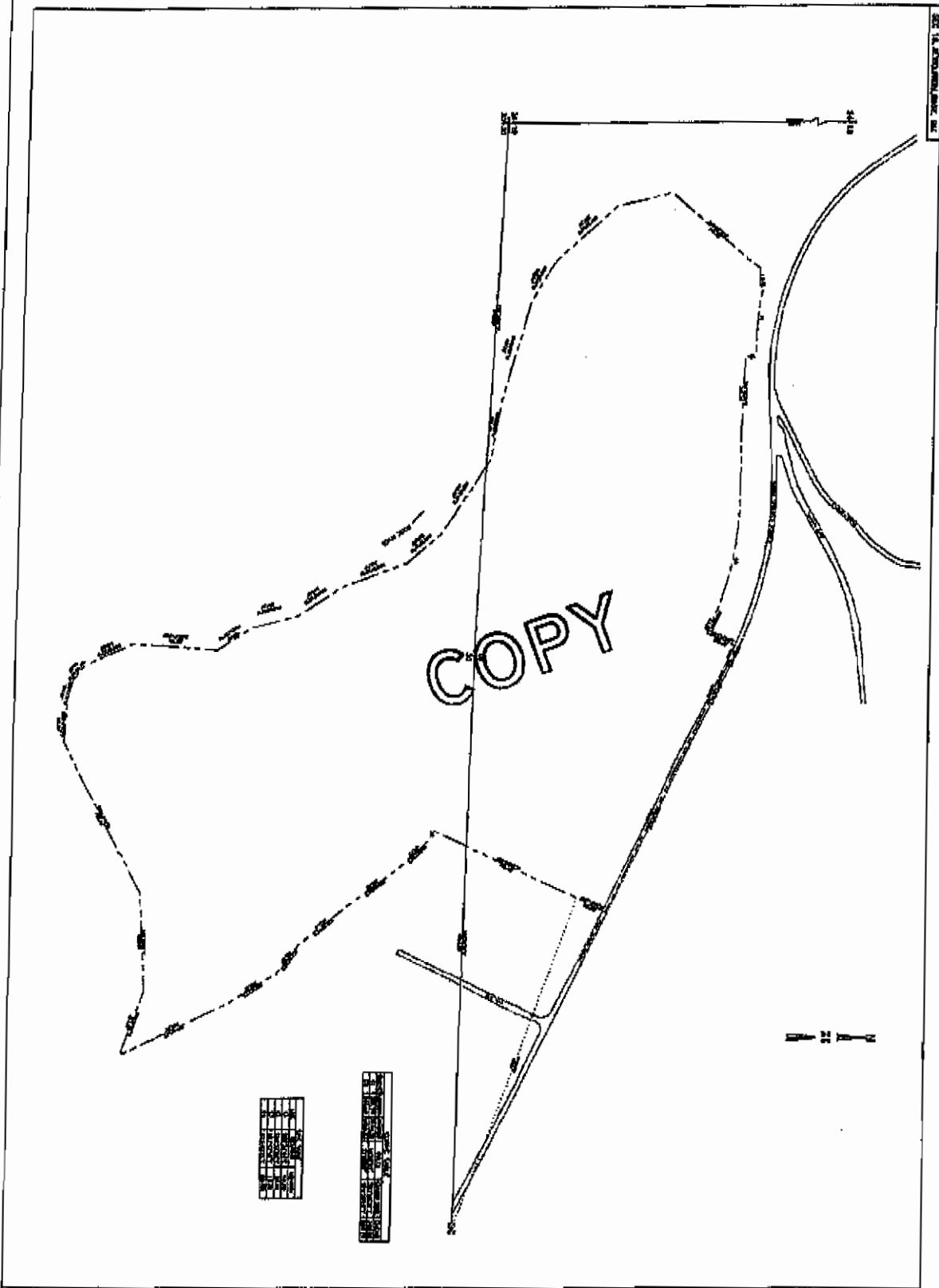
Commencing at the section corner common to Sections 19, 20, 29 and 30, Township 3 North, Range 3 East, Boise Meridian; thence North 70°28'07" West 1621.57 feet to the REAL POINT OF BEGINNING; thence  
South 25°22'28" West 741.38 feet; thence  
South 82°34'44" East 49.70 feet; thence  
South 44°43'59" East 166.73 feet; thence  
South 37°09'59" East 326.62 feet; thence  
South 39°35'06" East 263.13 feet; thence  
South 53°23'36" East 186.87 feet; thence  
South 32°11'22" East 265.87 feet; thence  
South 25°41'13" East 547.02 feet; being a point along the right bank of the Boise River; thence  
Following the right bank of the Boise River defined by the following courses and distances;  
North 69°36'25" West 314.97 feet; thence  
South 86°35'55" West 454.45 feet; thence  
South 62°13'49" West 782.45 feet; thence  
North 86°47'53" West 167.24 feet; thence  
North 76°14'17" West 124.97 feet; thence  
North 51°40'46" West 88.59 feet; thence  
North 24°35'07" West 240.05 feet; thence  
North 04°43'32" East 381.58 feet; thence  
North 32°43'31" West 193.50 feet; thence  
North 13°36'59" West 207.01 feet; thence  
North 34°15'46" West 240.13 feet; thence  
North 20°37'38" West 316.77 feet; thence  
North 40°37'22" West 206.20 feet; thence  
North 57°48'40" West 400.69 feet; thence  
North 79°59'43" West 285.47 feet; thence  
North 74°23'07" West 467.90 feet; thence  
North 58°58'44" West 222.24 feet; thence  
North 41°34'52" West 367.24 feet; thence  
North 12°46'57" West 264.03 feet; thence departing from the right bank of the Boise River;  
North 40°32'42" East 541.04 feet; thence  
South 89°52'06" East 78.51 feet to a point in the bottom of a diversion channel; thence  
North 13°47'18" East 15.70 feet; thence  
Along a circular curve to the left with an arc distance of 301.70 feet, a radius of 1194.3 feet, a central angle of 14°28'26" and a chord bearing of South 85°18'38" East; thence

Annexation Description  
Barber Station, Marianne Williams Park and a  
Portion of Warm Springs Avenue  
June 17, 2007  
Page 2 of 2



South 24°40'24" East 55.90 feet; thence  
South 88°06'30" East 329.39 feet; thence  
South 89°52'56" East 305.17 feet; thence  
Along a circular curve to the right with an arc distance of 603.87 feet, a radius of  
1498.53 feet, a central angle of 23°05'19" and a chord bearing of South 78°20'17" East;  
thence  
South 65°06'01" East 44.28 feet; thence  
North 24°53'59" West 150.00 feet to a point on the centerline of Warm Springs Avenue;  
thence continuing along the centerline of Warm Springs Avenue  
South 65°06'01" East 89.61 feet; thence  
South 64°16'30" East 293.78 feet; thence  
South 64°16'51" East 971.88 feet; thence departing the centerline of Warm Springs  
Avenue  
South 25°43'09" West 150.00 to the POINT OF BEGINNING. Said parcel contains  
134.00 acres, more or less.

COPY



BT MAP	DESIGNED BY	CHECKED BY
	DRAWN BY	PLT DATE
	SCALE	DATE

**SP02 - BARBER STATION LEGAL**

SCALE: 1"=400' PROJECT NO. 88-001

DRAWING FILE NAME: SP02 - BARBER STATION LEGAL


**Quadrant Consulting, Inc.**  
 1000 N. GARDEN ST.  
 SUITE 100  
 (800) 342-0000 FAX (800) 342-0000  
 1000 N. GARDEN ST. SUITE 100

